Outline

This course provides an outline of the intellectual property laws of Japan in practice, especially focusing on the major topics of patent and copyright which will also be frequently discussed in any other jurisdictions including EU, the U.S, and Asian countries.

This course provides students with practical training to learn how they can utilize the tools given by intellectual property laws to protect their rights.

The students are requested to consider solutions to practical questions such as designing a strategy to prove the facts claimed by the plaintiff in a litigation, finding essential issues of disputes between plaintiff and defendant, drafting terms and conditions of a license agreement, etc.

Class Format for Fall 2021

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome.

Course Website

- [https://moodle.s.kyushu-u.ac.jp](https://moodle.s.kyushu-u.ac.jp)
Resume, reading materials and other information will be posted on the course website.

Course Structure

The course structure may be subject to change and modification as the course progresses. Also, the lecturer may include new Japanese cases which would be made public after the beginning of this course.

The item numbers below do not necessarily correspond to the lecture number.

1. Patent Infringement Litigation Demanding an Injunction
2. Patent Infringement Litigation Demanding Compensation for Damages
3. Copyright Infringement Litigation Demanding Injunction, Part 1
4. Copyright Infringement Litigation Demanding Injunction, Part 2
5. Copyright Infringement Litigation Demanding Compensation for Damages
6. Convincing the Examiners that Your Invention can be Worked
7. Proving that the Defendant’s Products Were Produced by Working the Plaintiff’s Patented Invention
8. First Sale Doctrine
9. Novelty
10. Non-obviousness
11. Definiteness of the Invention
12. Conflict Between Cultural Traditional and Author’s Moral Rights
13. Shaking Hands with your competitor after litigation
14. Dispute Related to License Arrangements
15. FRAND
16. Drafting an International License Agreement

Reading Materials

- To be posted on the course website from time to time.

Grading

- Grading will be based on class participation and the final examination (take home exam).

English Proficiency

*Note that for students not currently enrolled on an international program, this course
requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

*This course is open for the European Union Studies Diploma Programmes (EU-DPs). See more details here; [http://eu.kyushu-u.ac.jp/](http://eu.kyushu-u.ac.jp/)
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<td>Elective for YLP, LL.M., JDS, JLTT, BiP &amp; CSPA</td>
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<tr>
<td>Subject Name</td>
<td>Law and Regulation (B) (A.L.)</td>
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<tr>
<td>Course Title</td>
<td>White Collar and Corporate Crime</td>
</tr>
<tr>
<td>Credit</td>
<td>2</td>
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<tr>
<td>Lecturer</td>
<td>Mark Fenwick</td>
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**Outline**

Public perceptions of crime are no longer dominated by images of an urban underclass and so-called “street crime”, but increasingly involve the illegal activities of “white collar” workers, notably senior corporate executives and other managers.

Such corporate scandals have prompted policy makers around the world into a systematic re-evaluation of crime control strategies that has resulted in extensive amendments to criminal laws concerned with the organization, financing, and regulation of corporations and their business-related activities. The result of these legislative initiatives is a complex mosaic of overlapping transnational legal norms.

In spite of these regulatory changes, however, many questions remain unanswered about what constitutes an appropriate response to “white-collar” and corporate wrongdoing. Many critics continue to question the expanded role of the criminal law in this area and have suggested that the deterrent effects of criminal sanctions have been greatly exaggerated. Moreover, genuine difficulties remain in prosecuting highly motivated and well-resourced white collar and corporate defendants.

This course will highlight some of the recent innovations in this field, as well as the difficulties in regulating corporate wrongdoing by examining selected issues from white collar & corporate criminal law.

The class will adopt a theoretical and comparative approach to the issue, with a particular focus on recent high-profile cases in the US, Europe & Japan.

No textbook will be used for this class. Course materials, including readings and PPT slides, will be uploaded on the MOODLE page (see below for a link).
This course will be conducted online using ZOOM. Further details on the format will be explained in the orientation class.

The ZOOM meeting information for the first class is as follows:

**Thursday, October 7, 08:40 AM - 10:10 AM (Japanese Time)**

Link to join the Zoom Meeting:

https://us02web.zoom.us/j/87666502746?pwd=eEo3M0xRbXZ6RjJIT0crcW9VZENwQT09

Meeting ID: 876 6650 2746
Passcode: 371838

All course materials, including ZOOM meeting information for subsequent classes, will be distributed via Moodle (the online course system of the university).

The Moodle page for this course can be found here:

https://moodle.s.kyushu-u.ac.jp/course/view.php?id=39097

Please note the MOODLE page for this class is called Law and Regulation (B) (A.L.) and not “White Collar and Corporate Crime.”

Please refer to the 2021 page (versions from earlier years may remain online).

If you have difficulties participating in the live ZOOM classes, due to a time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are welcome to take this course, although they should notify the class instructor.

If you have any questions about this course, please contact Mark FENWICK – mdf0911@gmail.com.
Course Structure

The following topics will be examined in this course:

1. Introduction to White Collar and Corporate Criminal Law and Procedure
2. Prosecuting Companies - ‘Corporate’ Criminal Liability
3. Internal Investigations & ‘Corporate’ Attorney-Client Privilege
4. Diversion I: Deferred Prosecution Agreements
5. Diversion II: Consent Decrees
6. Transnational Corporate Corruption Law
7. Whistleblowing Law
8. Fraud I: From “Classic” to “Honest Services” Fraud
9. Fraud II: Insider Trading, Hedge Funds & “Investment Edge”
10. “Cover Up” Crimes: Obstruction of Justice
11. Punishing Corporate Crime

Assessment

Students will be assessed according to the following criteria:

Class participation (20%) + a “take home” examination (80%).

Students will be given exam guidance in the last ZOOM class.

English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.
Term | Fall Quarter 2021  
Course | Elective for LL.M. YLP BiP JDS JLTT  
Subject Name | Transnational Business Law (B) (A.L.)  
Course Title | Transnational Commercial Law and Foreign Investment Law  
Credit | 2  
Lecturer | Caslav Pejovic

Outline

The course is designed to introduce law students to a wide range of problems involving international business transactions. The course will focus on the international regulation and comparative law analyses of the most significant topics of international business transactions. The course will examine the way the law and practice deal with all these issues, including the efforts aimed at the unification and harmonization of international trade law.

In the first part, the course will focus on the international trade. The international sale of goods is the central part of the international trade, and the course will cover several topics which are related to the international sale of goods. The examination of the international sale of goods will deal, inter alia, with the following: formation and performance of the contract of sale; some special forms of export contracts; standardization of international trade terms; the international carriage of goods; insurance; payment and financing of the transaction.

In the second part the course will deal with foreign investments, their legal regulation and various ways of conducting business in a foreign jurisdiction. The examination of foreign investment will include a discussion of the following: the types of foreign investment; reasons for FI; incentives for FI; joint ventures; project financing; transfer of technology.

Class Format for Fall Quarter 2021

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

Any student who has difficulty participating in the class "live," due to the time difference, should consult with the course lecturer.

Exchange students are also welcome.

Course Structure

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.
Assessment

Assessment of students’ performance in the course will be based on class participation and the final exam.

English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.
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<tr>
<td>Subject Name</td>
<td>Law and Society (C) (A.L.)</td>
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<tr>
<td>Course Title</td>
<td>Introduction to Japanese Law, Historical Perspective</td>
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<td>Credit</td>
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<tr>
<td>Lecturer</td>
<td>Mariko IGIMI</td>
</tr>
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### Outline
Japan has experienced a peculiarly rapid and successful transition of legal systems in Meiji Era. What was the historical background behind the success? What are the problems left until today? We will briefly look into Japanese Constitutional Law, Criminal Law, as well as Civil Law from historical perspective.

**THIS COURSE WILL BE HELD IN ENGLISH.**

**<Aims>**
- to know historical backgrounds of Japanese legal system
- to have an acquaintance of an example of legal transition
- to be able to analyze contemporary legal issues in Japan

### Class Format for Fall Quarter 2021
This course will be conducted online using Teams. All class materials, including meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the Teams class “live”, due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle.

All online participants are required to submit a short report on Moodle each week.

### Course Structure
The content of this course will be the same as “Introduction to Japanese Law, Historical Perspective I” but lectured in English.

### Assessment
To be announced.

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**Linguistic Proficiency**

*Please note that for IEBL/YLP/JDS students, this class is for everyone who can command daily Japanese, i.e. who can somehow express their thoughts in Japanese.*
Term: Fall Quarter 2021
Course: YLP/LL.M./JDS/JLTT/BiP
Subject Name: Transnational Business Law (C) (A.L.)
Course Title: International Commercial Arbitration I
Credit: 1
Lecturer: Julia Jiyeon Yu
e-mail: julia.yu@law.kyushu-u.ac.jp / julia8676@gmail.com

Outline

1. Kyushu University Faculty of Law has been participating the Intercollegiate Negotiation Competition for many years, and the 20th of Intercollegiate Negotiation Competition (INC) will be held on 6 and 7 November 2021 via online with zoom. (http://www.negocom.jp/eng/)

2. The competition shall take place in two rounds as follows:
   (i) Round A (arbitration) : all members act as attorneys of the Company in the Problem of INC
   (ii) Round B (Negotiation) : each member acts in a registered role, with the various roles as specified in the Problem of INC.

3. We will study the mock competition problem of this year and how to prepare statements following the INC competition schedule. (http://www.negocom.jp/eng/comp/rule.php?tno=20)

4. Most importantly, we will prepare oral arguments making the Red team and the Blue team and practice for arbitration and negotiation.

5. In addition to this, we will do the role play acting arbitrators, attorneys representing the Red team and the Blue team for arbitration and company’s key persons for negotiation.

6. This course will be conducted from October 5 to October 28, 2021.

Course Structure
The course will be conducted in accordance with the following schedule:

Every Tuesday / Every Thursday

Assessment
Participants will be assessed based on the following performance:
   (i) Class participation, submission of memorandum and role playing (100%)
Class Format for Fall 2021
This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome.

English Proficiency
*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

Lecturer’s Profile
- Partner of International arbitration team at Oon & Bazul LLP in Singapore
- Former Counsel, Head of North East Asia, Singapore International Arbitration Centre, Singapore
- Arbitrator, FDI Moot Competition Asia Pacific Regional Rounds in 2014, 2015, 2016 and 2018
- Former Special Counsel, International Dispute Resolution Group, Bae, Kim & Lee LLC, Seoul, Korea
- Fellow, Singapore Institute of Arbitrators, Singapore
- Fellow (ADR), Eisenhower Fellow, Northeast Asian Regional Program, USA
- Panel of arbitrators at the Thai Arbitration Institute (TAI), an Advisor to the TAI.
## Term
Fall Quarter 2021

## Course
YLP/LL.M./JDS/JLTT/BiP

## Subject Name
Transnational Business Law (C) (A.L.)

## Course Title
International Commercial Arbitration II

## Credit
1

## Lecturer
Julia Jiyeon Yu (julia.yu@law.kyushu-u.ac.jp / julia8676@gmail.com)

### Outline

1. This course is to provide an overview of the field of international commercial arbitration and the knowledge and skills that are fundamental to understand international commercial arbitration legal regime and procedures.

2. On these bases, the course attendees will examine New York Convention (1958), UNCITRAL Model Law (1985, amended in 2006), UNCITRAL Arbitration Rules (as revised in 2010) and UNIDROIT Principles of International Commercial Contracts (2010) and learn how to conduct international arbitration proceedings to resolve cross-border commercial disputes.

3. During this course, we will also learn (i) how to draft an arbitration clause in a contract, (ii) Jurisdictional issues in international disputes, (iii) the appointment of arbitrators, (iv) documents production (discovery) in international arbitration, (v) witness statements and expert statements, (vi) how hearings will be conducted, and (vii) arbitral awards and the enforcement of awards.

4. The course will mainly follow the pattern of lectures. The course attendees are encouraged to be interactive during the classes and will be required to read and digest the problem of INC to prepare role plays as attorneys.

5. No textbook will be used for this class and recommended books and course materials will be informed in due course.

6. This course will be conducted from November 2, 2021.

### Assessment

Participants will be assessed based on the following performance:

(i) Class participation and role play (50%)
(ii) A “take home” examination (50%)

### Course Structure

The course will be conducted in accordance with the following schedule:

Every Tuesday / Every Thursday
### Class Format for Fall 2021

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome.

### English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.

### Lecturer’s Profile

- Partner of International arbitration team at Oon & Bazul LLP in Singapore

- Former Counsel, Head of North East Asia, Singapore International Arbitration Centre, Singapore

- Arbitrator, FDI Moot Competition Asia Pacific Regional Rounds in 2014, 2015, 2016, 2018 and 2019

- Former Special Counsel, International Dispute Resolution Group, Bae, Kim & Lee LLC, Seoul, Korea

- Fellow, Singapore Institute of Arbitrators, Singapore

- Fellow (ADR), Eisenhower Fellow, Northeast Asian Regional Program, USA

- Panel of arbitrators at the Thai Arbitration Institute (TAI), an Advisor to the TAI.
Technological innovation provides a variety of benefits which improves our quality of life. It is now presumed that various “smart technologies” including AI, Big Data, Robotics, Internet of Things (IoT), etc. will dramatically change our lives and society in the near future.

However, technological innovation inevitably accompanies disruption, which creates uncertainties and risks. If we cannot properly control such uncertainties and risks, new technologies and innovation will not be empathically received throughout the society.

In Europe, for example, the concept of “Responsible Research and Innovation (RRI)” has been discussed. RRI “implies that societal actors (researchers, citizens, policy makers, business, third sector organizations, etc.) work together during the whole research and innovation process in order to better align both the process and its outcomes with the values, needs and expectations of society.” (https://ec.europa.eu/programmes/horizon2020/en/h2020-section/responsible-research-innovation) In the United States and Japan, similar concept such as “Responsible Innovation” has been also argued.

Currently, regulation of the implementation of “smart technologies” is becoming more and more difficult, because regulatory framework cannot catch up with rapid advancement such as the proliferation of various global “platforms” to develop their business relying on these “smart technologies”.

Standing on the verge of complex “smart societies”, it is obvious that the role of lawyers and policy makers to find out and give solutions to minimize uncertainties is becoming more important than ever. This is the reason why we need to learn from the discussion of RRI.

In this class, we would like to explore various issues related to science, technology and innovation (STI) policy from a normative point of view.

Course Structure

Reading Materials:


The contents of the 2021 OECD report are as follows:
1. COVID-19: A pivot point for science, technology and innovation?
2. Mobilizing public research funding and infrastructures in times of crisis
3. Challenges and new demands on the academic research workforce
4. Government support for business research and innovation in a world in crisis
5. Resolving global challenges and crises through international collaboration
6. Why accelerate the development and deployment of robots?
7. Accelerating innovation to meet global challenges: The role of engineering biology
8. Governance of science, technology and innovation for crisis and recovery

The contents of the 2018 OECD report are as follows:

Introduction  
Chapter 1. An introduction to the STI Outlook 2018  
Chapter 2. Artificial intelligence and the technologies of the Next Production Revolution  
Chapter 3. Perspectives on innovation policies in the digital age  
Chapter 4. STI policies for delivering on the Sustainable Development Goals  
Chapter 5. Artificial intelligence and machine learning in science  
Chapter 6. Enhanced access to publicly funded data for STI  
Chapter 7. Gender in a changing context for STI  
Chapter 8. New trends in public research funding  
Chapter 9. The governance of public research policy across OECD countries  
Chapter 10. Technology governance and the innovation process  
Chapter 11. New approaches in policy design and experimentation  
Chapter 12. The digitalization of science and innovation policy  
Chapter 13. Mixing experimentation and targeting: innovative entrepreneurship policy in a digitized world  
Chapter 14. Blue Sky perspectives towards the next generation of data and indicators on science and innovation

*You can access OECD Reports via Kyushu University Library website. Please log in with your SSO-KID & password, and visit “World Contents”. When you search with the title of these reports, you can find and download the PDF version.

The Structure of The Course:

Class 1 (October 5th):  
Chapter 1 of the 2021 OECD Report

Class 2 (October 12th):  
Chapter 2 of the 2021 OECD Report  
Chapter 2 of the 2018 OECD Report

Class 3 (October 19th):  
Chapter 3 of the 2021 OECD Report  
Chapter 3 of the 2018 OECD Report

Class 4 (October 20th; Make-up Class):  
Chapter 4 of the 2021 OECD Report  
Chapter 7 of the 2018 OECD Report

Class 5 (October 26th):  
Chapter 5 of the 2021 OECD Report  
Chapter 10 of the 2018 OECD Report

Class 6 (November 2nd):  
Chapter 6 of the 2021 OECD Report  
Chapter 11 of the 2018 OECD Report

Class 7 (November 9th):  
Chapter 7 of the 2021 OECD Report  
Chapter 12 of the 2018 OECD Report

Class 8 (November 16th):  
Chapter 8 of the 2021 OECD Report  
Chapter 13 of the 2018 OECD Report

Assessment  
Assessments will be based on the class participation and the final examination.
**Class Format for Fall Quarter 2021**

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome.

**English Proficiency**

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.*
Term: Fall, Winter, Spring Quarters 2021-22
Course: Compulsory for YLP, LL.M., JDS, JLTT & BiP
Subject Name: Introduction to Legal and Political Studies (C) (A.L.)
Course Title: Effective Legal Writing
Credit: 1
Lecturer: William Fish

Outline

The comedian Groucho Marx once joked, “I shot an elephant in my pajamas. How he got into my pajamas I’ll never know.” We assume we all understand the first sentence when we read it, but the second sentence gives us an entirely different (and in this case, ridiculous) interpretation. The joke provides us with a bit of humor, and all is fine. Yet, sentences open to misinterpretation are written daily around the world, sometimes in news headlines, other times in government announcements, other times in laws and regulations. The alternative interpretations are not always ridiculous, but often cause confusion and result in unintended consequences and lost revenue. The US Treasury was forced to pay out millions of dollars in 1874 because of a misplaced comma. A few years ago, a dairy company in the US was forced to pay 5 million dollars in back-pay for a similar reason – even though the vague phrase that caused the misunderstanding was entirely “correct” according to accepted grammar and style guides.

Most people can write well enough for their needs. However, those who need to explain difficult and advanced concepts, and particularly those who need to persuade the reader to act in a desired way regarding those concepts, need to write a level well above most people. One irony is that the specialized knowledge and advanced education of many experts can create a gap that makes it difficult for them to explain their expertise to a less specialized person. Effective writing requires fewer concerns of correctness and more focus on what message the reader will get. The writer needs to think like the reader. There has been a strong movement toward encouraging more practical language in contracts, government policies and regulations. Lawyers and academics are among the groups that fall into the trap of using arcane expressions where a common phrase would be better understood. The advantages of using language that does not leave the reader behind are obvious. A well-written proposal is more likely to win acceptance. A well-written regulation is more likely to be understood and properly observed. A well-written policy is more likely to be successfully implemented.

This course is aimed at those who use writing to convey difficult ideas and to persuade sometimes critical readers, those for whom “good-enough” is not good enough. It is hoped that students will find ways to create more effective writing, will learn how small changes can have a great impact, and ultimately learn to think of writing as a lifetime process – like any other mastery of refined skills and arts. With group work and analysis of writing done in class workshops, we will find ways to make our writing more effective and easier to digest and to eliminate vague writing that can lose the attention, trust and favor of our readers. The goal is for students to leave the class with a better sense of how to persuade with effective writing and how to continually improve their rhetoric for success in the future.

Class Format for 2021-22

More information on the course format will be provided later.

Incoming students will be divided into three groups and each group will be allocated over three quarters.
The groups were decided by the course instructor based on the educational history, career background, and experience of studying and working with English as the primary language.
There are two required references for this class:

by William Strunk Jr., Richard De A'Morelli

Plain English for Lawyers 5th Edition
by Richard C. Wydick

The class will be centered around group workshops and instruction. The students will be able to help each other with inputs and refinements, and the results will be compared. The focus will be on revisions to produce effective and concise writing. There will also be workshops on rhetorical writing aimed at achieving specified results or responses. We will select written passages and then work together to completely change their effect on the reader. The class will cover topics such as:

- What is grammar, and when is it OK to ignore it? What is effective writing, and how can you learn to identify and replace ineffective words, sentences and phrases?
- Building blocks with “glue” words, clauses, sentences and paragraphs. How to tie them together to build a cohesive report or proposal, eliminate roadblocks and win over the reader. How to be sure that every new passage continues the flow and builds a case.
- A review of punctuation and transitional words and phrases that direct the reader’s attention.
- Presenting the same facts in different ways for rhetorical effect.
- Quoting, paraphrasing and presenting 3rd party views.
- Eliminating excessive words and writing concisely.
- Common writing traps, repetition, clichés, passive clauses.
- How to write convincing and authoritative reports.
- Stepping outside our writing to visualize how the reader might respond.

A main component of the class will be an essay that will be submitted and resubmitted at least twice after significant revisions. The earlier revisions will focus on providing form, reconsidering how to present ideas, ensuring that ideas flow together and connect in a manner that will draw in the reader.

Assessment
Students will be assessed by class participation and submissions, particularly the essay that will be submitted initially as a rough draft and resubmitted at least twice to create a final draft.

English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.
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<tr>
<td>Subject Name</td>
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<tr>
<td>Lecturer</td>
<td>Steven Van Uyt sel</td>
</tr>
<tr>
<td>Office</td>
<td>E-D-514, 5F East Zone 2</td>
</tr>
<tr>
<td>e-mail</td>
<td><a href="mailto:uytsel@law.kyushu-u.ac.jp">uytsel@law.kyushu-u.ac.jp</a></td>
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**Outline**

This course will seek to familiarize the students with the technical aspects of writing a thesis. In order to do so, the course will break the entire process of writing into smaller steps and each of these steps will be dealt with in the chronological order of relevance to the writing process. The just mentioned steps will be topic selection and the legal qualification (research question and situating the question in the law), collecting and processing information (library, internet sources, critical reading), citation (footnotes, bibliography, avoidance of plagiarism), legal reasoning (argumentation techniques), and editing (introduction, chapter structuring, paragraphs, headings, conclusion).

**Class Format for Fall 2021**

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

This class is "live" class only, with no recording.

**Course Structure**

The course will mainly follow the pattern of lectures. However, interaction between the lecturer and the students and students amongst each other will be stimulated. To this end, student will be given reading and writing assignments.

**Assessment**

Assignments

**English Proficiency**

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.*
## Course Structure

There are two required references for this class:

by William Strunk Jr., Richard De A'Morelli

Plain English for Lawyers 5th Edition
by Richard C. Wydick

The class will be centered around group workshops and instruction. The students will be able to help each other with inputs and refinements, and the results will be compared. The focus will be on making writing more effective and concise. There will also be workshops on rhetorical writing to achieve specified results or responses. We will select written passages and then work together to completely change their effect on the reader. The class will cover topics such as:

- What is grammar, and when is it OK to ignore it? What is effective writing, and how can you learn to identify and replace ineffective words, sentences and phrases?
- Building blocks with “glue” words, clauses, sentences and paragraphs. How to tie them together to build a cohesive report or proposal, eliminate roadblocks and win over the reader.
- A review of punctuation and transitional words and phrases that direct the reader’s attention.
- Presenting the same facts in different ways for rhetorical effect.
- Quoting, paraphrasing and presenting 3rd party views.
- Eliminating excessive words and writing concisely.
- Common writing traps, nominalization, “it” constructions, repetition, clichés, passive clauses.
- How to write convincing and authoritative reports.

## Assessment

Students will be assessed by class participation and submissions, and a final essay on the concepts learned.

## English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.*
**Term**: Winter Quarter 2021  
**Course**: Elective for YLP, LL.M., JDS, JLTT, BiP & CSPA  
**Subject Name**: Transnational Law and Policy (C) (A.L.)  
**Course Title**: Introduction to EU Law  
**Credit**: 1  
**Lecturer**: Mark Fenwick

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**Outline**

This course will introduce students to some basic features of the law of the European Union, focusing in particular on international trade law and the legal and economic challenges associated with the creation of a single market within the EU. The course will seek to identify the distinctive features of the European Union, as well as asking what lessons the European experience offers for regional integration in other parts of the world, particularly in the context of ASEAN and SE Asia.

The course is split into three parts. By the end of the first part of the course, students will have a solid grasp of some of the basic features of the EU institutional framework and various fundamental principles of EU Law.

The second part of the course will examine in some detail EU law as it pertains to the creation of a single market. In particular, the chain of decisions of the European Court of Justice related to the free movement of goods, workers and capital will be examined, as they highlight the complexities associated with removing barriers to trade, as well as the innovative approach that has been adopted in an EU context.

The third part of the course will focus on recent crises in the EU, namely the post-2008 Euro crisis and “Brexit.”

No textbook will be used for this course. Course materials will be uploaded on the MOODLE page for the course:

https://moodle.s.kyushu-u.ac.jp/course/view.php?id=39099

Please note the course name is different in MOODLE (Transnational Law and Policy (C)) and please use the 2020 version of the page (earlier versions remain online).

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**Class Format for Fall 2021**

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome, although any student from an EU member state needs to offer some justification for taking this course.

Please note that this plan may change depending on coronavirus developments.
<table>
<thead>
<tr>
<th>Course Structure</th>
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<tr>
<td>Students will be assessed according to the following criteria: Class participation (25% of final grade) + a “take home” examination (75% of final grade).</td>
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<tr>
<th>Assessment</th>
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<tr>
<td>Students will be assessed according to the following criteria:</td>
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<tr>
<td>Class participation (20%) + a “24 hours take home” examination (80%).</td>
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English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.*
Term | Winter Quarter 2021  
---|---  
Course | Elective for YLP, LL.M., JDS, JLTT & BiP  
Subject Name | Transnational Public Law (A) (A.L.)  
Course Title | International Law in Today’s World  
Credits | 2  
Lecturer | Kinji AKASHI  

**Outline**

“International law” (IL) is a rather elusive body of norms regulating the activities of “international actors”. While it has far-reaching, though invisible, effects on our everyday life, its legal nature, especially its legally binding force, has been often questioned. Is IL really law?

Based on this crucial question, this course aims 1) to learn the fundamental (“classical”) concepts and theories of IL, and 2) to analyze their current situations.

**Course Structure**

The main issues to be discussed in this course will be; 1) the fundamental theories of the sources of IL, 2) the new (“informal”) sources of IL, 3) law-making process of IL, and 4) the relations between IL and municipal (national) law.

Through the lectures, “Japanese issues” concerning IL will also be mentioned.

**Class Format for Fall 2021**

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

This class is "live" class only, with no recording.

Exchange students are also welcome.

**Assessment**

(1) General Class Participation: 30%  
(2) Examination: 70%

**English Proficiency**

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.*
Outline

Why the legal system in some jurisdictions is called “Civil Law”? Why is our program LL.M.? What does pactum sunt servanda originally mean? Where does the bona fides come from? All these can be answered only by leaning Roman law. Whether you come from a jurisdiction of Common Law, Civil Law or Mixed Legal Systems, it is strongly recommended to look into the tradition of Civil Law not only to know the backgrounds of your own legal systems but also to relativize current legal situation.

<Aims>
・ to know historical backgrounds of Civil Law
・ to have deeper understanding of legal maxims
・ to be able to analyze contemporary legal issues from historical perspective

Class Format for Fall 2021

This course will be conducted online using Teams. All class materials, including meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the Teams class “live”, due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle.

All online participants are required to submit a short report on Moodle each week.

Course Structure

Half of this course will be held in lecture style, while the other half will be held as a seminar, consisting with group presentation on legal maxims of students’ choice followed by discussion.

Assessment

To be announced.

English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.
Term | Winter Quarter 2021  
Course | Elective for YLP, LL.M., JDS JLTT & BiP  
Subject Name | Conflict of Laws (B) (A.L.)  
Course Title | Private International Law - Comparative Perspective  
Credit | 2  
Lecturer | Ren Yatsunami  

### Outline

The aim of this course is to explore the foremost research questions and the latest findings in surveys in the field of private international law from a comparative law perspective. For this purpose, participants will work on together an analysis of papers on private international law that have been recently published by authors in different jurisdictions.

Basically reading materials will be selected from the recent volumes of leading journals in the field such as “Journal of Private International Law,” “Japanese Yearbook of International Law,” and so on. Participants will be required to present a summary and review of the reading materials and to join in the in-class discussion.

Through the course, participants are expected to deepen the understanding toward particular issues dealt by the recent papers by exchanging opinion with the other participants with different backgrounds.

### Course Structure

Reading materials will be provided in advance so that participants can take time to prepare their presentation or ideas for in-class discussion. All participants are expected to actively join in the debates based on the reading materials. In the first class, recent topics in the field and selected papers from journals published in recent years will be briefly introduced, and we will schedule presentations in following classes. From the second class, we will go on to more in-depth discussion on each material.

### Assessment

Assessment will be based on;

1) Class Participation (In-class oral presentation and discussion) and  
2) Final Examination (Take-home essay).

A more detailed information about the format of presentation and the final essay will be announced in the first class.

### Class Format for Fall 2021

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome.

### English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.*
## Outline

Most legal education focuses on teaching legal rules, but there is another kind of legal knowledge, which is just as important, but receives less attention in the curriculum of most law schools. We might characterize this second type of legal knowledge as transferable “tools” for thinking about and analyzing legal issues. Examples of such “tools” might be “the least cost avoider principle,” “rules versus standards,” or “administrative costs.”

The aim of this course is to introduce students to some of the most powerful of these tools for thinking about the law. More specifically, we will focus on the evolution of an economic understanding of the law over the last fifty years stating with classical law and economics, before examining alternative accounts found in more recent “behavioral” and “institutional” oriented works.

We hope to provide a clear and practical introduction by reading some canonical texts that explain these “tools” and then discuss them in class together. We believe that this can provide students with the necessary equipment to apply these ideas to other fields of legal studies, as well as their theses.

For this year, we will be using extracts from the following sources:


All reading materials will be available via the course page on MOODLE.
Class Format for Fall 2021

The current plan is to organize this as a hybrid class, i.e., a combination of in-class and online teaching.

All class materials, including ZOOM meeting information, will be distributed via the Moodle (the online course system of the university):

https://moodle.s.kyushu-u.ac.jp/course/view.php?id=39646

Please note the name of this class on Moodle is Introduction to Legal and Political Studies (C) (A.L.)

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome to take this class.

Course Structure

The class will consist of eight 90 minutes sessions.

The assigned readings for this year are as follows:

1. Class Orientation.
2. Farnsworth, Chapters 1 & 2.
3. Farnsworth, Chapters 3-8, 9, 10, 17, 20.
4. Thaler & Sunstein, Chapters 1 & 2.
5. Thaler & Sunstein, Chapter 4; Lessig, Chapter 7.
6. Englebrecht article.
7. Leeson, Chapters 1 & 2.

The exact dates of the classes will be confirmed later via the MOODLE page.

Assessment

The Assessment for this course will be explained in more detail at the Orientation class. However, assessment will comprise three components:

1. A short, in-class presentation (students will be divided into groups).
2. A 1,500 words report to be written at the end of the course.
3. A short comment to be written in the final 10-15 minutes of each week’s class.

English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.
Outline

We live in an age of big companies. Apple, Facebook, Microsoft, Amazon, Alphabet (Google) are just a few example. It is less known, though, that networks of the same shareholders have been deploying behind such big companies. For example, the top four shareholders of Apple who hold 18.4% of the company also hold 17.3% of Apple’s largest competitor, Microsoft. This phenomenon, whereby there is a simultaneous ownership of small stockholdings in several competing companies, is called horizontal shareholding (or common shareholding). This horizontal shareholding is in the hands of institutional investors (passive index funds), such as Blackrock, Vanguard, State Street. Azar, with his scholarship building on Bresnahan and Salop of cross-shareholding, has pointed out in 2012 that this horizontal shareholding may have led to an increase of the ticket prices for flights in the United States.

Even though the Azar’s airline study was criticized, other scholars contributed empirical studies on the banking, seed and the food sector to confirm the impact of horizontal shareholding on the price. The empirical study on the pharmaceutical sector indicated that horizontal shareholding acts as a market entry barrier. These studies of economists attracted the attention of legal scholars. Several lines of legal scholarship developed. One line of thought in the literature is to seek for evidence that the horizontal shareholders could influence a company’s policy. These studies revolve around techniques to voice the shareholder’s interest (e.g. approval of managers or their remuneration). Another line of thought is to classify the possible anticompetitive effects of horizontal shareholding and enumerate horizontal coordinated actions, foreclosure and exploitation of vertical market power. Still another line of thought is to find competition law provisions that could apply to anticompetitive effects of horizontal shareholding. This mainly US driven scholarship suggests the application of Article 7 of the Clayton Act (CA). Yet another line of thought is suggesting some new forms of law intervention, such as capping the percentage of allowed horizontal shareholding.

For almost each of these lines of thought, scholars have developed counterarguments. It has been argued that it is too difficult to align all the interests of the institutional investors. Moreover, it has been pointed out that the passive index funds, the horizontal shareholders, are by nature not active. The applicability of Article 7 CA has been questioned because it does not fit the factual situation of horizontal shareholding. Moreover, many other states do not know this kind of provision in their respective competition law. The argument to formulate new law has been opposed by the enforcement and policy agencies (US FTC, OECD, and the German Monopolies Commission). Their argument was that this scholarship is still too embryonic to justify such far reaching interventions.

It is the purpose of this course to provide the students an understanding of the debate on horizontal/common shareholding. This will be of interest for students who are eager 1) to learn how new legislation and/or enforcement practices are developing; 2) to learn about competition law, corporate governance and finance.

Pre-existing knowledge of competition law or economics is not required.
## Course Structure

The course will be conducted in the form of presentations by scholars and practitioners from various countries.

1) Essential competition law concepts to understand horizontal/common shareholding  
   (Steven Van Uytse) *(October 15)*

2) An overview of the literature on horizontal/common shareholding (Thomas Reyntjens, Oxford University) *(October 22)*

3) Common Ownership, Competition, and Top Management Incentives (Martin Schmaltz, Oxford University) *(October 29)*

4) Common Ownership: Institutional investors as a threat to competition? (Thomas Weck and John Weche, German Monopolies Commission) *(November 5)*

5) Anticompetitive Common Ownership: Evidence from Singapore (Kentaro Asai, Australian National University) & Common ownership: a case study of the ride-hailing sector from a global perspective (Friso Bostoen, Catholic University of Leuven) *(November 12)*

6) Common ownership and competition: Current developments in Asia Pacific and beyond (Thomas Reyntjens, Oxford University) & Common Ownership and Merger Control Enforcement (Anna Tzanaki, Lund University) *(October 22)*

7) Common Ownership and Startup Growth (Ofer Eldar, Duke University) *(December 4)*

## Assessment

Class attendance & short essay

## Class Format for Fall 2021

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome.
<table>
<thead>
<tr>
<th>Term</th>
<th>Spring &amp; Fall 2021</th>
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<tbody>
<tr>
<td>Course</td>
<td>Compulsory for JDS</td>
</tr>
<tr>
<td>Subject Name</td>
<td>Law and Development (C) (A.L.)</td>
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<tr>
<td>Course Title</td>
<td>JDS Forum</td>
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<tr>
<td>Credit</td>
<td>1</td>
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<tr>
<td>Lecturer</td>
<td>Han</td>
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**Outline**

This is a special course for JDS students only. One credit is awarded for this course per semester. The main focus of this course is on thesis development and thesis presentation skills. Further information will be provided during JDS Orientation Week.

**Class Format for Spring & Fall 2021**

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via E-mail.

**Course Structure**

To be provided during JDS Orientation Week.

**Assessment**

Grading will be based on class participation.

**English Proficiency**

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.*
Term | Fall 2021  
Course | Elective for YLP, LL.M., JDS JLTT & BiP and CSPA. This course is open for the European Union Studies Diploma Programmes (EU-DPs).  
Subject Name | Law and Development; International Relations in East Asia  
Course Title | Japan’s Development in Context (1500-1950)  
Credit | 2  
Lecturer | Edward Boyle  

Outline

[COURSE GOALS]
This course focusses on the period 1500-1950, and situates the modern development and politics of Japan within its broader institutional, economic and social history context. It is the first half of a two-part graduate seminar looking at the political history and development of Japan today.

[AIMS]
The course has two distinct aims. The first is to provide students with a comprehensive overview of the political history of modern Japan’s development as a prerequisite for a deeper understanding of the country today. The second is to emphasize how the interpretation and use of this developmental history is influenced by contemporary events.

[OBJECTIVES]
The course seeks is to explore the formation of modern Japan, and the ways in which that history has been, and continues to be, shaped by the present. It will:
(1) provide students with fundamental knowledge of the history of Japan down to 1950;
(2) introduce students to important, ongoing debates regarding the political history of Japan and its relations with its neighbors; and
(3) provide a series of analytical lenses with which to further your own research.

Course Structure
Further details, and a reading list, will be given in the first session on Friday 8th October. It is expected that students intending to take the course will attend this first session.

[RECOMMENDED BACKGROUND READING]

Assessment
Class Attendance: 30%
Participation & Presentations: 40%
Essay: 30%

All students are expected to attend the sessions having done the compulsory reading, as well as any additional readings they have been assigned.

Many of the classes involve presentations and group discussions; some presentations will be collaborative, which will require you to coordinate your responsibilities outside of class.
Class Format for Fall 2021

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome.
Term | Winter Quarter 2021  
Course | Compulsory for YLP  
Subject Name | Comparative Legal System (D) (A.L.)  
Course Title | YLP Internship  
Credit | 1  
Lecturer | Hitoshi Matsui, Ryu Kojima  

**Outline**

All YLP students are expected to participate in the internship program. Each student will be assigned to a law firm in Fukuoka and will “shadow” the lawyers from that firm for the duration of the internship.

The purpose of the internship is to offer students an insight into legal practice in Japan. A number of additional events are organized to offer students a broader perspective on the organization and operation of the Japanese legal system.

The internship is organized as an intensive course and for Academic Year 2021-2 it is scheduled for two weeks in the beginning of the spring vacation. (i.e. mid. February-beg. March)

Please note that the credit received from this class may not be counted towards the 20 coursework credits required for graduation, although it will appear on the final transcript at the end of the program.

**Class Format for Fall 2021**

Depending on the on-going situation with coronavirus, the internship may need to be cancelled this year. Students will be informed of the situation closer to the planned start of the course.

**Course Structure**

The schedule of the internship will be based on the plan of each lawyer.

In addition, a number of additional special events for all students are organized, including a visit to the Public Prosecutors’ Office, a visit to the Mediation Center, a Court Visit and a free discussion with judges. *subject to acceptance by each organization

All students will be provided with an interpreter for the duration of the internship.

**Assessment**

Upon completion of the internship, students are expected to write a short report of five (5) pages. The report should describe the student’s main impressions of legal practice in Japan, in comparison with the home country or any other jurisdiction with which they are familiar.
<table>
<thead>
<tr>
<th>Term</th>
<th>Intensive Lecture</th>
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<tbody>
<tr>
<td>Course</td>
<td>Elective for YLP, LL.M., JDS, JLTT &amp; BiP</td>
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<tr>
<td>Subject Name</td>
<td>Law and Culture (D) (A.L.)</td>
</tr>
<tr>
<td>Course Title</td>
<td>Cultural Heritage Law</td>
</tr>
<tr>
<td>Credit</td>
<td>1</td>
</tr>
<tr>
<td>Lecturer</td>
<td>Kamil Zeidler</td>
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**Outline**

The aim of the lecture is to present the legal protection of cultural heritage – in public international law, in European law, and in the law of selected countries. The lecture will be focused on the system of cultural heritage protection, which is based on three pillars: 1) law, 2) economics, and 3) social knowledge and responsibility. Although law is very important, but is not the only factor in human activity called “cultural heritage protection and preservation”. However the course will be finally focused on the legal issue. In this regard, it should be stressed that in almost all modern states, the system of legal protection of cultural heritage has two main sources: public international law and internal law; sometimes can be distinguished also the third source, like European law (which is quite different from international law) in European Union member states.

Law is divided into different branches: civil law, criminal law, administrative law, financial law etc. In each of them we can find legal tools stipulated to protect cultural heritage, however some of them are more useful than others.

In the process of applying the cultural heritage law, we have to focus on valuation – determining what is an object of cultural heritage and what is not, but not only that. When public authority has to make a legal decision, very often it has to go beyond the legal system (understood as a system of legal norms and – norms interpreted from these norms), and refer to other normative systems and systems of valuation. With regard to this issue the most important is so-called theory of conservation, the most important part of which are soft law documents, including Venice Charter (1964).

Finally, this problem is strictly connected with liberalism versus communitarianism debate, which can be perceived as a hard case in law, as well as, the problem of the restitution of cultural property, what also should be discussed during the course.

**Course Structure**

1. Introduction – the system of cultural heritage protection
2. Cultural heritage law terminology: the object of protection and preservation and the problem of definitions – cultural heritage, cultural property, monuments of history, works of art etc.
3. Introduction to international cultural heritage law
4. Cultural heritage law – EU law and constitutional law
5. Cultural heritage law in selected countries
6. Crimes against cultural property: prosecuting and preventing
8. Aesthetics of law: the philosophical approach to cultural heritage law
Assessment

Assessment is based on the participation in lectures and student’s activities during the lectures – participation in discussion, delivering a paper, preparation a paper etc.

Aims of the education – by the end of the course, students should be able to: 1) identify the main sources of cultural heritage law; 2) explain of it’s application, i.e. art market, managing public and private collections and sites etc. 3) communicate about international standards of conduct concerning cultural heritage; 4) indicate the main threats to cultural heritage; 5) explain the main methods of protection and preservation of cultural heritage.

English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.
Term | Winter Quarter 2021 (intensive)
Course | Compulsory for JDS & JLT, Elective for YLP, LL.M. & BiP
Subject Name | Business Law (B) (A.L.)
Course Title | Law and Development: From the Perspective of Economic and Business History
Credit | 2
Lecturer | Takashi Shimizu, Ryu Kojima

**Outline**

This course focuses on the relationships between law, business and economic development, and investigate these relationship from historical perspective. As we can see from the experience of such countries as the United States, Germany or Japan, economic development is often derived from business practices, and business practices are often influenced by laws. In other words, the legal systems of a country can have some influence on its economic development by way of business practices. In this course, we investigate such relationships by using the case of Japan, which achieved high economic growth based on its own business practices and Western-rooted legal systems. Especially, this course focuses on the areas of (1) corporate law and governance, (2) labor law and employment practices, and (3) the administrative law and the government-business relationship, and consider the relationship between law and development from the perspectives of business and economic history.

**Course Structure**
1. Overview: The history of Japanese economic development
2. Practices of corporate governance in Japan
3. Governance practices and corporate law
4. Directors and auditors: a comparison with German law
5. 1950 Amendment of Commercial Code: investigating the influence of U.S. law
6. Japanese employment practices
7. Employment practices and labor law
8. The doctrine of the abuse of the dismissal right
10. The government-business relations
11. Policy instruments and corporate behaviors
12. The regulation on inward direct investments as a policy instrument
13. the change of policy instruments: Petroleum Industry Act as an example
14. Wrap-up

**Assessment**

Term Paper (50%), Attendance (30%), Class participation (20%)

**English Proficiency**

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.*
Term | Fall 2021 Quarter 1 & 2  
--- | ---  
Course | Elective for YLP, LL.M., JDS, JLTT and BiP  
Subject Name | Contemporary Perspectives on Business Law (D) (A.L.)  
Course Title | International Financial Law and Regulation  
Credit | 1  
Lecturer | Gu Jing  

**Outline**

In today's world, countries are becoming increasingly financially interconnected with each other. Globalization has brought benefits as well as challenges to the financial markets. The global financial crisis in 2008 manifested that it was impossible to contain risks within the borders of a single jurisdiction. Both regulators and market participants have learned from the financial crisis that regulatory cooperation and harmonization among different countries is needed to reduce systemic risks and chances of future financial crises. To address the issues and weakness in the global financial system, at the Pittsburgh summit in 2009, G20 leaders agreed to embark on a reform to strengthen the international financial regulatory system by introducing tougher capital rules and new regulations on derivatives, securitization markets, credit rating agencies and hedge funds. Several international organizations such as FSB, IOSCO and BCBS have since issued guidelines, reports and recommendations to implement the regulatory reforms, hoping to end too-big-to-fail (TBTF) problems associated with systemically important financial institutions (SIFIs) and promote harmonization of the financial regulations in different jurisdictions by setting global standards. However, none of the global standards are automatically applicable in any countries. We still live in a world where the laws are written by the national legislators who draft their own rules on how to implement the regulatory reform agreed by the G20 leaders based on their own understandings.

Almost all of the major financial centers have introduced their version of the financial regulatory reform. The rules are often inconsistent. The inconsistencies have not only given rise to regulatory arbitrage but also threatened the efficient functioning of markets and increased the compliance cost for financial institutions operating in more than one country.

The aim of this course is to introduce students to the basics of international financial transactions and the financial regulatory framework introduced after the global financial crisis in the US, the EU and the Asian financial centers. The course will also touch on the effort made by the relevant international organizations to harmonize financial regulations across different jurisdictions. Students will be able to acquire some knowledge of the underlying concepts in finance, international financial transactions and documentation of these transactions.

The course will cover the following topics:

- Introduction to financial markets and players, an overview of the regulatory framework within which market participants operate;
- Introduction to basics of the international financial transactions, related conflict of law issues and cross-border secured transactions and insolvency law issues; and
- Global financial crisis: why and how it happened and the G20 responses; special bank resolution regime proposed by the Financial Stability Board (FSB) and tools proposed by FSB and IOSCO, respectively, to resolve regulatory conflicts and other proposed approaches.

During the course, private international law issues will be discussed when we analyze problems regarding recognition of foreign insolvency proceedings and resolution regimes as well as cross border enforcement of collateral arrangements.

This class is suitable for students who are interested in pursuing a legal career in the area of banking and finance. Knowledge of finance or economics is not required for this course but some understanding of insolvency law, secured transactions and private international law would be helpful.
Class Format for Fall 2021

This course will be conducted online using ZOOM. All class materials, including ZOOM meeting information, will be distributed via Moodle (the online course system of the university).

If you have difficulties participating in the ZOOM class "live," due to the time difference or some technical difficulties, then please watch the recorded lecture available from Moodle and submit a short report to the Management Office within 24 hours summarizing the content and giving your opinion of the issues. The report should be 600-800 words.

Exchange students are also welcome.

Course Structure

The course structure may be subject to change and modification as the course progresses. The item numbers below do not necessarily correspond to the lecture number:

1. Introduction to financial markets
2. The causes and effects of the global financial crisis (GFC) in 2008 and the regulatory responses to GFC
3. Introduction to international financial law
4. Documentation issues for cross-border financial transactions
5. Cross border insolvency and collateral enforcement issues
6. Bank resolution regime and FSB Key Attribute
7. Regulatory conflicts and equivalent/substituted compliance

Assessment

Grading will be based on class participation. (Report of each class for the students, who will participate in the class with listening to the recorded lecture.)

English Proficiency

*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 92 pts. (Internet-based) in TOEFL.
Term | Spring & Fall 2021  
--- | ---  
Course | LL.D.  
Subject Name | Legal Research Training (A)  
Course Title | Legal Research Training  
Credit | 2  
Lecturer | Steven Van Uytsel  
Office | E-D-514, 5F East Zone 2  
e-mail | uytsel@law.kyushu-u.ac.jp  

**Outline**

This course seeks to train students in different skills necessary for successfully completing an LL.D. course: legal academic writing, critical reading, public presenting and acquiring broader theoretical knowledge.

The course will critically assess the written progress of each LL.D. student’s research. For this purpose, the students are required to submit a chapter during the semester which will be analyzed on different aspects, such as the logical development of the argument, the chapter structure within the whole thesis, paragraph structure, or footnoting. The other students will be involved as respondents.

For acquiring broader theoretical knowledge, the students will be given texts on broader theoretical perspectives within their respective field of research. These texts have to be presented and will be followed by a discussion on the topic itself.

Another aim of the course is to prepare the students for the Comprehensive Research Seminars. The preparation will be orientated mainly towards presentation techniques and PowerPoint issues. The thesis content may be addressed as well.

This course is compulsory for the first and second year LL.D. students and recommended for the third year LL.D. students. Besides, the first year LL.D. students are required to attend the Legal Writing and Research Methodology course.

**Course Structure**

The course will be taught every two weeks over two semesters. Each semester will be divided into three parts:

1) **A critical assessment of a thesis chapter.** Students will be asked to submit a chapter, which they have written in the previous semester. For each chapter, another student will be appointed as a respondent. The respondent has to critically read the chapter and comment on the different elements contributing to the logical structure of the chapter.

2) **Research related theoretical perspectives** students will be divided into groups according major theoretical themes underlying their research. Texts will be chosen in function of these major themes. All students are required to read the text in order to contribute to the discussion after the presentation.

3) **CRS preparation** These sessions will focus on presentation techniques, PowerPoint issues, and thesis content.

**Assessment**

Presentations and class participation