

<b>Term</b>	Fall Quarter 2022
<b>Course</b>	Elective for YLP, LL.M., JDS, JLTT, BiP & CSPA
<b>Subject Name</b>	Law and Culture (C) (A.L.)
<b>Course Title</b>	Introduction to Roman Law and Civil Law Tradition
<b>Credit</b>	1
<b>Lecturer</b>	Mariko IGIMI

<b>Outline</b>
<p>Why the legal system in some jurisdictions is called “Civil Law”? Why is our program LL.M.? What does <i>pactum sunt servanda</i> originally mean? Where does the <i>bona fides</i> 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.</p> <p>&lt;Aims&gt;</p> <ul style="list-style-type: none"> <li>• to know historical backgrounds of Civil Law</li> <li>• to have deeper understanding of legal maxims</li> <li>• to be able to analyze contemporary legal issues from historical perspective</li> </ul>
<b>Course Structure</b>
<p>This course will be held in lecture style. Discussion is always welcomed.</p> <p>All class materials will be distributed via Moodle (the online course system of the university).</p>
<b>Assessment</b>
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.

<b>Term</b>	Fall Quarter 2022
<b>Course</b>	Elective for LL.M. YLP BiP JDS JLTT
<b>Subject Name</b>	Transnational Business Law (B) (A.L.)
<b>Course Title</b>	Transnational Commercial Law and Foreign Investment Law
<b>Credit</b>	2
<b>Lecturer</b>	Caslav Pejovic

<b>Outline</b>
<p>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.</p> <p>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.</p> <p>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.</p>
<b>Assessment</b>
<p>Assessment of students' performance in the course will be based on class participation and the final exam.</p>

### 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.

<b>Term</b>	Fall Quarter 2022 (Q1)
<b>Course</b>	Elective for YLP, LL.M., JDS, JLTT, BiP
<b>Subject Name</b>	Law and Economy (C) (A.L.)
<b>Course Title</b>	<b>Science, Technology, and Innovation Policy</b>
<b>Credit</b>	1
<b>Lecturer</b>	Prof. Ryu KOJIMA

## Outline

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, the concept of “**Responsible Research and Innovation (RRI)**” has been discussed. RRI “has emerged in recent years as a science policy framework, which seeks to align technological innovation with broader social values, and to support the institutional decisions concerning the goals of research and innovation in conditions of uncertainty and ambiguity. RRI aims to engage publics and responsible actors in the science and innovation field to produce ethically acceptable, sustainable and socially desirable research and innovation outcomes.”

<https://www.rri-practice.eu/about-rri-practice/what-is-rri/>

In the United States, similar concept such as “**Ethical, Legal and Social Issues/Implications (ELSI)**” has been also argued since the 1990s.

<https://www.genome.gov/10001747/elsi-program-review-19901995>

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 ELSI and 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. This year, we would like to focus on “**Mobility/Transport**” as one of the areas to analyze from the perspective of ELSI and RRI.

## Course Structure

### 1. Schedule

Class 1: Tuesday, October 4th, 13:00-14:30

Orientation

Assignment: “Responsible Innovation and Responsible Research and Innovation” (Owen and Pansera)

Class 2: **Wednesday, October 19th**, 14:50-16:20

Assignment: Chapters 1 and 2 of the OECD Working Paper (pp.9-41)

**\*Please note that the class on Tuesday, October 18th will be CANCELLED.**

Class 3: Tuesday, October 25th, 13:00-14:30

Assignment: The first half of the Chapter 3 of the OECD Working Paper (pp.42-89)

Class 4: Tuesday, November 1st, 13:00-14:30

Assignment:

- (1) The second half of the Chapter 3 and Chapter 4 of the OECD Working Paper (pp.89-116)
- (2) "The New Mobilities Paradigm" (Sheller and Urry)

Class 5: Tuesday, November 8th, 13:00-14:30

Assignment:

- (1) "Towards a Politics of Mobility" (Cresswell)
- (2) Chapter 1 of the ITF Transport Outlook (pp.17-52)

Class 6: Tuesday, November 15th, 13:00-14:30

Assignment: Chapter 3 of the ITF Transport Outlook (pp.78-128)

Class 7: Tuesday, November 22nd, 13:00-14:30

Assignment: Chapter 4 of the ITF Transport Outlook (pp.129-164)

## **2. Reading Materials:**

**(1) Richard Owen and Mario Pansera, Responsible Innovation and Responsible Research and Innovation, in Dagmar Simon, Stefan Kuhlmann, Julia Stamm and Weert Canzler (eds.), Handbook on Science and Public Policy (Edward Elgar 2019), pp.26-48.**

<https://www.rri-practice.eu/knowledge-repository/publications/>

<https://www.elgaronline.com/view/edcoll/9781784715939/9781784715939.00010.xml>

**(2) Piret Tõnurist and Angela Hanson, Anticipatory innovation governance: Shaping the future through proactive policy making (OECD Working Papers on Public Governance No.44) (2020)**

[https://www.oecd-ilibrary.org/governance/anticipatory-innovation-governance\\_cce14d80-en](https://www.oecd-ilibrary.org/governance/anticipatory-innovation-governance_cce14d80-en)

(146 pages including Bibliography and Annex)

Chapter 1. Need for change in policymaking

Chapter 2. Anticipation, Innovation and Governance

Chapter 3. Mechanisms of Anticipatory Innovation Governance

Chapter 4. Governing the ungovernable: Towards an AIG model

**(3) Mimi Sheller and John Urry, *The New Mobilities Paradigm*, Environment and Planning A: Economy and Space, Vol.38, Iss.2 (2006), pp.207-226.**

[https://www.researchgate.net/publication/23539640\\_The\\_New\\_Mobilities\\_Paradigm](https://www.researchgate.net/publication/23539640_The_New_Mobilities_Paradigm)

**(4) Tim Cresswell, *Towards a Politics of Mobility*, Environment and Planning D: Society and Space, Vol.28, Iss.1 (2007), pp.17-31.**

[https://www.researchgate.net/publication/248881905\\_Towards\\_a\\_Politics\\_of\\_Mobility](https://www.researchgate.net/publication/248881905_Towards_a_Politics_of_Mobility)

**(5) International Transport Forum, *ITF Transport Outlook 2021* (2021)**

[https://www.oecd-ilibrary.org/transport/itf-transport-outlook-2021\\_16826a30-en](https://www.oecd-ilibrary.org/transport/itf-transport-outlook-2021_16826a30-en) (248 pages including Annex)

The contents of the ITF Transport Outlook are as follows:

Chapter 1. Reshaping transport for a cleaner environment and fairer societies

Chapter 2. Pathways to decarbonise transport by 2050

Chapter 3. Urban passenger transport: Cities can make mobility sustainable, equitable and resilient

Chapter 4. Non-urban passenger transport: A pivotal sector for greening transport

Chapter 5. Freight transport: Bold action can decarbonise movement of goods

***\*You can access and download “ITF Transport Outlook” by using Kyushu University Identification Number (SSO-KID). Please visit the above-mentioned website and click “PDF”. In the next website (“Access to this content in the selected format requires a subscription or a prior purchase.”), please scroll down the page and click “Sign in via your institution”. After logging in with your SSO-KID & password, you can find and download the PDF version of “ITF Transport Outlook”.***

### **3. References**

- (1) Dagmar Simon, Stefan Kuhlmann, Julia Stamm, and Weert Canzler (eds.), Handbook on Science and Public Policy (Edward Elgar 2019).
- (2) Gianni Robert, Pearson John and Reber Bernard, Responsible Research and Innovation: From Concepts to Practices (Routledge 2019).
- (3) Study Group on a New Governance Models in Society 5.0, Agile Governance Update - How Governments, Businesses and Civil Society Can Create a Better World By Reimagining Governance - (2022)  
[https://www.meti.go.jp/english/press/2022/0808\\_001.html](https://www.meti.go.jp/english/press/2022/0808_001.html)  
<https://www.meti.go.jp/press/2022/08/20220808001/20220808001-b.pdf>
- (4) Tim Cresswell, On the Move: Mobility in the Modern Western World (Routledge 2006).
- (5) John Urry, Mobilities (Polity 2007).
- (6) Iain Gately, Rush Hour: How 500 Million Commuters Survive the Daily Journey to Work (Head of Zeus 2014).
- (7) Sigurd Bergmann and by Tore Sager (eds.), The Ethics of Mobilities: Rethinking Place, Exclusion, Freedom and Environment (Routledge 2016).
- (8) International Transport Forum, The Innovative Mobility Landscape: The Case of Mobility as a Service (2021).  
<https://www.itf-oecd.org/innovative-mobility-landscape-maas>  
<https://www.itf-oecd.org/sites/default/files/docs/innovative-mobility-landscape-maas.pdf>
- (9) International Transport Forum, Innovations for Better Rural Mobility (2021).  
<https://www.itf-oecd.org/innovations-better-rural-mobility>  
<https://www.itf-oecd.org/sites/default/files/docs/innovation-rural-mobility.pdf>
- (10) International Transport Forum, Reporting Mobility Data: Good Governance Principles and Practices (2022).  
<https://www.itf-oecd.org/reporting-mobility-data-governance-principles-practices>  
<https://www.itf-oecd.org/sites/default/files/docs/reporting-mobility-data-governance-principles-practice.pdf>

### **Assessment**

Assessments will be based on the class participation (including a(n) individual/group presentation) and the submission of the final report.

**To contribute to the class, those who would like to attend this course (including auditing the course) should make a(n) individual/group presentation.**

The style of presentation is dependent on the number of participants. If we have more than 6-7 participants, it will be a group presentation. Each presentation should be 10-15 minutes (depending on the number of presenters).

Since participants are requested to read assignments in advance, **presenters do not need to summarize the assigned thesis/report**. Presenters are expected to **construct your own argument from a legal perspective**. Including **your own experience** in your home country(tries) is highly welcomed.

### **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.

<b>Term</b>	2022 Fall Quarter
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Transnational Business Law (A) (A.L.)
<b>Course Title</b>	International Commercial Arbitration I
<b>Credit</b>	1
<b>Lecturer</b>	Julia Jiyeon Yu

### Outline

1. Kyushu University Faculty of Law has been participating the Intercollegiate Negotiation Competition for many years, and the 21st of Intercollegiate Negotiation Competition (INC) will be held on 19 and 20 November 2022 at Sophia University and 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. (<https://www.negocom.jp/eng/comp/rule.php?tno=21>)
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 4 to November 1, 2022.

### 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%)

## **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.

<b>Term</b>	2022 Fall Quarter
<b>Course</b>	YLP/LL.M./JDS/ JLTT/BiP
<b>Subject Name</b>	Transnational Business Law (A) (A.L.)
<b>Course Title</b>	International Commercial Arbitration II
<b>Credit</b>	1
<b>Lecturer</b>	Julia Jiyeon Yu

### 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 8, 2022.

### 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

## **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.

<b>Term</b>	Fall Quarter 2022
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT, BiP &amp; CSPA</i>
<b>Subject Name</b>	Law and Regulation (B) (A.L.)
<b>Course Title</b>	White Collar and Corporate Crime
<b>Credit</b>	2
<b>Lecturer</b>	Mark Fenwick

## 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.

The Moodle page for this course can be found here:

<https://moodle.s.kyushu-u.ac.jp/course/view.php?id=45958>

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 2022 page (versions from earlier years may remain online).

Exchange students are welcome to take this course, although they should notify the class instructor at the end of the first session.

If you have any questions about this course, please contact Mark FENWICK.

## Course Structure

The following topics will be examined in this course:

1. Introduction to White Collar and Corporate Criminal Law & 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 24 hours “take home” examination (80%).  
Students will be given exam guidance in the last 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.

<b>Term</b>	Fall Quarter 2022
<b>Course</b>	Compulsory for LL.M. April Entry
<b>Subject Name</b>	Legal Research Methodology and Writing (A) (A.L.)
<b>Course Title</b>	Legal Research Methodology and Writing (April Entry)
<b>Credit</b>	2
<b>Lecturer</b>	Steven Van Uytsel

### Outline

This course will seek to familiarize the students with the technical aspects of writing a thesis. The main aspects covered in this course will be citation (footnotes, bibliography, avoidance of plagiarism), legal reasoning (argumentation techniques), and editing (introduction, chapter structuring, paragraphs, headings, conclusion).

Students with experience of writing a thesis can apply for a waiver. Consult the lecturer prior to the start of the course.

### Course Structure

Lectures with Q&A on citation.

### Assessment

Assignments re: bibliography

<b>Term</b>	Fall and Winter
<b>Course</b>	Compulsory for YLP LL.M. JDS JLTT LL.D. and BiP (credit)
<b>Subject Name</b>	Legal Research Methodology and Writing (A) (A.L.)
<b>Course Title</b>	Legal Research Methodology and Writing I for LL.M. 2022 October entry
<b>Credit</b>	2
<b>Lecturer</b>	Steven Van Uytsel

### Outline

This course seeks to facilitate the selection of the thesis topic and the formulation of the research question. Further, students will be familiarized with collecting and processing information (library, internet sources, critical reading).

### Course Structure

Lectures and presentations

### Assessment

Assignment: research proposal & research question  
Presentation of research proposal

<b>Term</b>	Fall 2022, Spring 2023
<b>Course</b>	Compulsory for recipients of MEXT scholarship ( <i>Risk Society LL.M.</i> )
<b>Subject Name</b>	Legal Research Methodology & Writing (C) (A.L.)
<b>Course Title</b>	Research Workshop on Risk Society & the Law
<b>Credit</b>	1 Credit for Fall + 1 Credit for Spring Semester
<b>Lecturer</b>	Mark Fenwick & Steven Van Uytsel

## Outline

In December 2021, Kyushu University's LL.M. and LL.D. programs were selected as recipients of Japanese government scholarships. Seven scholarships are now available each year for the LL.M program and one scholarship per year for the LL.D.

The theme of the accepted proposal to the Japanese government was law in a "risk society." A risk society is characterized by fast-paced technological innovation, social disruption, and normative uncertainty.

This class – the Research Workshop on Risk Society & the Law – is one of the required courses offered within the framework of this program. The class is designed to help students in their thesis preparation.

**Please note that the credit for this class cannot be counted towards the 20 coursework credits necessary for graduation.**

This class is conceptualized as part of the 10 thesis credits.

Please take care when calculating your coursework credits.

## Course Structure

This course is split into four parts spread over the academic year. Completion of all parts is necessary to receive the 2 credits:

1. Please attend **the first four sessions of the Legal Research Methodology & Writing Course** taught by Prof. Van Uytsel in Quarter 1. These sessions will help students in project design and the preparation of a thesis proposal.

The first session is on **October 13, at 13:00.**

2. An additional 3-4 sessions will be organized in Quarter 2 on Friday afternoons taught by Prof. Fenwick. The exact schedule will be confirmed at a later date. At these sessions, students are expected to make a 20-minute presentation of their thesis plan.
3. In the Spring semester, students should attend **Legal Research Methodology & Writing III** offered in the Summer Quarter (i.e., the second half of the Spring Semester 2023). This course comprises the anti-plagiarism check and is a requirement for the submission of the thesis.
4. 3-4 additional sessions will be organized in Quarter 3. Further details will be provided at a later date

**Assessment**

Students will be graded based on their in-class performance, thesis proposal and in-class presentation of their thesis plan.

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.

<b>Term</b>	Fall 2022
<b>Course</b>	Compulsory for <i>JDS Student</i>
<b>Subject Name</b>	Law and Development (C) (A.L.)
<b>Course Title</b>	JDS Forum
<b>Credit</b>	1
<b>Lecturer</b>	Han

<b>Outline</b>
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.
<b>Course Structure</b>
To be provided during JDS Orientation Week.
<b>Assessment</b>
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.

<b>Term</b>	Fall 2022
<b>Course</b>	Elective for <i>YLP, LL.M, JDS, JLTT, BiP</i> and <i>CSPA</i> . This course is open for the European Union Studies Diploma Programmes ( <i>EU-DPs</i> ).
<b>Subject Name</b>	Law and Development
<b>Course Title</b>	Japan's Development in Context II
<b>Credit</b>	2
<b>Lecturer</b>	Edward Boyle

### Outline

This is the second part of a two-part graduate seminar looking at the political history and development of modern Japan. The objective of the course as a whole is to explore the formation of modern Japan. This second series of seminars focusses on the period 1945-2020, and situates the contemporary institutional, economic and social history of Japan within its broader East Asian context.

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, which will serve 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 a process influenced by contemporary events.

These seminars will introduce students to important, ongoing debates regarding the political situation of the country, Japan's relations with its East Asian neighbors, and the perceived place of the nation in the world today. By the end of this course, students will have acquired a fundamental knowledge of the postwar history of Japan, together with the skills necessary to contextualize the different ways in which the Japan's development has been understood over time.

### Course Structure

✂Further details and a reading list will be provided in class. It is expected that students intending to take this course will attend the first session on Friday 7<sup>th</sup> October.

#### [SCHEDULE]

1. Introduction - Course Outline
2. Post-war
3. High Growth
4. Post-Bubble
5. Democracy
6. Citizenship
7. Emperor
8. Margins
9. Korea
10. China
11. World
12. Isolation
13. Waste & Conservation
14. Conclusion – Making History

[READINGS]

The readings selected for the course introduce specific political and social topics within Japanese history, together with a number of analytical concepts from political science and international relations. Historical materials, both textual and visual, will be integrated where appropriate, and drawn upon in order to show that both the course of historical events themselves, *and* the ways in which these events are subsequently framed, are outcomes of political contestation.

✂This course is open for European Union Studies Diploma Programmes (EU-DPs)

Assessment

Class Attendance: 30%

Participation & Presentations: 30%

Essay: 40%

**English Proficiency**

\*Note that for students not currently enrolled on an international program, this course requires sufficient English proficiency equivalent to about 80 pts. (Internet-based) in TOEFL.

<b>Term</b>	Winter Quarters 2022
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT, BiP</i>
<b>Subject Name</b>	Intellectual Property and the Law (B) (A.L.)
<b>Course Title</b>	Japanese Intellectual Property Law in Practice
<b>Credit</b>	2
<b>Lecturer</b>	Prof. Shinto Teramoto

<b>Outline</b>
<p>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.</p> <p>This course provides students with practical training to learn how they can utilize the tools given by intellectual property laws to protect their rights.</p> <p>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.</p>
<b>Class Format for Winter 2022</b>
In-person at E112, 1F East Zone 2
<b>Course Website</b>
Access Moodle of Kyushu University at <a href="https://moodle.s.kyushu-u.ac.jp/">https://moodle.s.kyushu-u.ac.jp/</a> and choose "Japanese Intellectual Property Practice 2022, Prof. Shinto TERAMOTO
<b>Course Structure</b>
<p>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.</p> <p>The item numbers below do not necessarily correspond to the lecture number.</p> <ol style="list-style-type: none"> <li>1. Patent Infringement Litigation Demanding an Injunction</li> <li>2. Patent Infringement Litigation Demanding Compensation for Damages</li> <li>3. Copyright Infringement Litigation Demanding Injunction</li> <li>4. Copyright Infringement Litigation Demanding Compensation for Damages</li> <li>5. Convincing the Examiners that Your Invention can be Worked</li> <li>6. Proving that the Defendant's Products Were Produced by Working the Plaintiff's Patented Invention</li> <li>7. First Sale Doctrine</li> <li>8. Novelty</li> <li>9. Non-obviousness</li> <li>10. Definiteness of the Invention</li> <li>11. Conflict Between Cultural Traditional and Author's Moral Rights</li> <li>12. Shaking Hands with your competitor after litigation</li> <li>13. Dispute Related to License Arrangements</li> <li>14. FRAND</li> <li>15. Drafting an International License Agreement</li> </ol>
<b>Reading Materials</b>

Materials will be distributed via Moodle of Kyushu University.

**Assessment**

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.

<b>Term</b>	Winter Quarter 2022
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT, BiP &amp; CSPA</i>
<b>Subject Name</b>	Law and Society (C) (A.L.)
<b>Course Title</b>	Introduction to Japanese Law, Historical Perspective II
<b>Credit</b>	1
<b>Lecturer</b>	Mariko IGIMI

<b>Outline</b>
<p>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 the perspective of three receptions that Japan experienced in its history.</p> <p>THIS COURSE WILL BE HELD IN <b><u>ENGLISH</u></b>.</p> <p>&lt;Aims&gt;</p> <ul style="list-style-type: none"> <li>• to know historical backgrounds of Japanese legal system</li> <li>• to have an acquaintance of an example of legal transition</li> <li>• to be able to analyze contemporary legal issues in Japan</li> </ul>
<b>Course Structure</b>
<p>The content of this course will be the same as “Introduction to Japanese Law, Historical Perspective I” but lectured in English.</p> <p>All class materials will be distributed via Moodle (the online course system of the university).</p>
<b>Assessment</b>
To be announced.

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.

<b>Term</b>	Winter Quarter 2022
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT &amp; BiP</i>
<b>Subject Name</b>	Conflict of Laws (B) (A.L.)
<b>Course Title</b>	Private International Law - Comparative Perspective
<b>Credit</b>	2
<b>Lecturer</b>	Ren Yatsunami

<b>Outline</b>
<p>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.</p> <p>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.</p> <p>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.</p>
<b>Course Structure</b>
<p>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.</p>
<b>Assessment</b>
<p>Assessment will be based on;</p> <ol style="list-style-type: none"> <li>1) Class Participation (In-class oral presentation and discussion) and</li> <li>2) Final Examination (Take-home essay).</li> </ol> <p>A more detailed information about the format of presentation and the final essay will be announced in the first class.</p>

#### 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.

<b>Term</b>	Winter Quarter 2022
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT &amp; BiP</i>
<b>Subject Name</b>	Transnational Public Law (A) (A.L.)
<b>Course Title</b>	International Law in Today's World
<b>Credits</b>	2
<b>Lecturer</b>	Kinji AKASHI

<b>Outline</b>
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“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.

<b>Course Structure</b>
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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.

<b>Assessment</b>
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- (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.

<b>Term</b>	Winter Quarter 2022
<b>Course</b>	Compulsory for YLP, LL.M., JDS, JLTT, BiP
<b>Subject Name</b>	Introduction to Legal and Political Studies (C) (A.L.)
<b>Course Title</b>	A Legal Studies Primer
<b>Credit</b>	1
<b>Lecturer</b>	Ryu Kojima & Mark Fenwick

## 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 starting 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:

- Ward Farnsworth, *The Legal Analyst: A Toolkit for Thinking About the Law* (University of Chicago Press, 2007).
- Richard H. Thaler & Cass R. Sunstein, *Nudge: Improving Decisions About Health Wealth & Happiness* (Penguin, 2009).
- Larry Lessig, *The Code: Version 2.0* (2006 (original 1999), available at: <http://codev2.cc/>).
- Antonina B. Engelbrecht, ‘Copyright from an Institutional Perspective: Actors, Interests, Stakes & the Logic of Participation,’ *Review of Economic Research on Copyright Issues*, Vol. 4(2), pp. 65-97 (2007, available via SSRN at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1144289](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1144289)).
- Peter T. Leeson, *The Invisible Hook: The Hidden Economics of Pirates* (Princeton University Press, 2009).

**All reading materials will be available via the course page on MOODLE.**

### **Class Format for Winter 2022**

The class will be taught in-class, although a Zoom option will be available for any student unable to enter Japan due to immigration restrictions.

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

Exchange students are also welcome to take this class.

### **Course Structure**

The class will consist of seven 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 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.

<b>Term</b>	Winter Quarter 2022
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT, BiP &amp; CSPA</i>
<b>Subject Name</b>	Transnational Law and Policy (C) (A.L.)
<b>Course Title</b>	Introduction to EU Law
<b>Credit</b>	1
<b>Lecturer</b>	Mark Fenwick

## 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.

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 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 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.

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=45959>

Please note the course name is different in MOODLE (Transnational Law and Policy (C)) and please refer to the 2022 version of the page (earlier versions may remain online).

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

## Course Structure

The following topics will be covered in the seven sessions:

1. Course Overview
2. The Doctrines of Direct Effect and Supremacy
3. Free Movement of Goods I
4. Free Movement of Goods II
5. Free Movement of Capital
6. The Single Currency and Euro Crisis
7. Exam Preparation

**Assessment**

Students will be assessed according to the following criteria:  
Class participation (20%) + a “24 hours take home” examination (80%).

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.

<b>Term</b>	Winter Quarter 2022
<b>Course</b>	Students will be contacted on an individual basis to participate in this course
<b>Subject Name</b>	Legal Research Methodology and Writing (A) (A.L.)
<b>Course Title</b>	Legal Research Methodology and Writing (April Entry)
<b>Credit</b>	--
<b>Lecturer</b>	Steven Van Uytsel

### Outline

This course focuses on plagiarism. Plagiarism exists when students copy text, data, figures, ideas of other people without giving appropriate reference. Whether the taking of text, data, etc. is inadvertent is not important for constituting a plagiarism infringement.

In order to prevent students from submitting a thesis that contains sections or sentences that are plagiarized, a final draft of the thesis is submitted to iThenticate. iThenticate is a software that detects plagiarism. The submitted drafts will be checked and plagiarism will be identified.

Student's whose draft contains plagiarism will be contacted. Students will receive guidance on how to rectify the plagiarized parts either in class form, in an individual guidance session, or through email.

### Course Structure

The course will be conducted in class form, individual sessions, or e-learning.

### Assessment

iThenticate check of thesis draft

<b>Term</b>	Winter Quarter 2022
<b>Course</b>	Compulsory for appointed students
<b>Subject Name</b>	Introduction to Legal and Political Studies (C) (A.L.)
<b>Course Title</b>	Effective Legal Writing
<b>Credit</b>	1
<b>Lecturer</b>	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.

## Course Structure

There are two required references for this class:

The Elements of Style: Classic Edition (2018) With Editor's Notes, New Chapters & Study Guide  
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 3<sup>rd</sup> 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.

<b>Term</b>	Fall Quarter 2022 (Intensive)
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT and BiP</i>
<b>Subject Name</b>	Contemporary Perspectives on Business Law (D) (A.L.)
<b>Course Title</b>	International Financial Law and Regulation
<b>Credit</b>	1
<b>Lecturer</b>	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.**

**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

**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.

# Japanese Constitutional- and Administrative Law

KADOMATSU Narufumi (Kobe University)

## <The Aim of the Class>

In this course, we will learn and discuss some contemporary issues on Japanese constitutional and administrative law, keeping in mind comparative perspective. The course will be a combination of lecture and presentation.

In the lecture (PART1), the lecturer will give an overview of a particular topic related to Japanese constitutional and administrative law. The participants are always asked to read the reading materials beforehand or afterwards.

In the presentation classes (PART2), reporters will have a presentation on a particular Japanese judicial case or an academic article (handouts essential, PPT optional). Interesting comparison with similar issues in their home country is welcome, always on the condition that it is based on correct understanding of the Japanese cases or articles.

Knowledge of Japanese language is not necessary.

## <Key points in the presentation of judicial cases>

- Correct understanding of the court decision
  - clarify the factual circumstances as much as possible
  - clarify the relevant legal issues
  - examine the court's standpoint on the issues and reasoning delivered by the court
  - examine the scope of the judgment
  
- Comparative Law – Several Scenarios
  - Surrounding situations and legal doctrines are similar
  - Situations are similar, but solved by different legal doctrines
  - A similar legal doctrine is applied to different situations, hence the doctrine performs different social functions

<b>Term</b>	Winter Quarter 2022 (intensive)
<b>Course</b>	Compulsory for JLTT & JDS, Elective for <i>YLP, LL.M., BiP</i>
<b>Subject Name</b>	Business Law (B) (A.L.)
<b>Course Title</b>	Law and Development: From the Perspective of Economic and Business History
<b>Credit</b>	2
<b>Lecturer</b>	Takashi Shimizu, Ryu Kojima

<b>Outline</b>
<p><b>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.</b></p>
<b>Course Structure</b>
<ol style="list-style-type: none"> <li>1. Overview: The history of Japanese economic development</li> <li>2. Practices of corporate governance in Japan</li> <li>3. Governance practices and corporate law</li> <li>4. Directors and auditors: a comparison with German law</li> <li>5. 1950 Amendment of Commercial Code: investigating the influence of U.S. law</li> <li>6. Japanese employment practices</li> <li>7. Employment practices and labor law</li> <li>8. The doctrine of the abuse of the dismissal right</li> <li>9. A comparison of U.S. and Japanese employment practices</li> <li>10. The government-business relations</li> <li>11. Policy instruments and corporate behaviors</li> <li>12. The regulation on inward direct investments as a policy instrument</li> <li>13. the change of policy instruments: Petroleum Industry Act as an example</li> <li>14. Wrap-up</li> </ol>

<b>Assessment</b>
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.

<b>Term</b>	Winter Quarter 2022
<b>Course</b>	Compulsory for <i>YLP</i>
<b>Subject Name</b>	Comparative Legal System (D) (A.L.)
<b>Course Title</b>	YLP Internship
<b>Credit</b>	1
<b>Lecturer</b>	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 2022-3 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.**

### 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.

<b>Term</b>	Fall/Winter 2022
<b>Course</b>	LL.D.
<b>Subject Name</b>	Legal Research Training (A)
<b>Course Title</b>	Legal Research Training
<b>Credit</b>	2
<b>Lecturer</b>	Steven Van Uytsel

### 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

<b>Term</b>	Winter Quarter 2022
<b>Course</b>	Elective for <i>YLP, LL.M., JDS, JLTT &amp; BiP</i>
<b>Subject Name</b>	Conflict of Laws (C) (A.L.)
<b>Course Title</b>	IP and Private International Law
<b>Credit</b>	1
<b>Lecturer</b>	Toshiyuki Kono

<b>Outline</b>
<p>The leading opinion in the field of IP has been that there is no room to discuss cross-border disputes due to the territorial nature of IP. Hence, according to this view, private international law has no role to play regarding IP. It would lead to multiple fora for one dispute if IP is licensed in many countries. The transaction costs under such circumstances would become very high. Hence, some scholars indicated that the leading opinion should be revisited. This had led to several projects creating guidelines or principles to cope with cross-border dispute settlements regarding IP. In 2020, the International Law Association approved the Kyoto Guidelines which handle IP and private international law. Participants in this course will learn the nature of issues and possible methods to solve the issues through examining the Kyoto Guidelines and some cases.</p> <p>Class 1: Introduction  Class 2: International jurisdiction (1)  Class 3: International jurisdiction (2)  Class 4: International jurisdiction (3)  Class 5: Applicable Law (1)  Class 6: Applicable Law (2)  Class 7: Applicable Law (3)  Class 8: Recognition of Foreign Judgments</p>
<b>Course Structure</b>
<p>A part of each class is a lecture, while the rest will be reserved for discussions. JIPITEC Vol.12 (2021) will be used as the main reading material of this course. Additional materials will be distributed.</p>
<b>Assessment</b>
<p>A take-home exam will be organized.</p>