

## YLP IEBL JDS BiP Curriculum 2017

### Spring Semester

Subject Name	Course Title	Professor	Credit	Course
Conflict of Laws (A) (A.L.)	IP and Private International Law	Kono	2	YLP/IEBL/JDS/PIECE/BiP
Transnational Business Law (B) (A.L.)	International Maritime Law	Pejovic	2	YLP/IEBL/JDS/PIECE/BiP
Law and Regulation (A) (A.L.)	Contemporary Issues in Competition Law	Van Uytsel	2	YLP/IEBL/JDS/PIECE/BiP
Law and Society (A) (A.L.)	Basics and Current Debates in Japanese Law	Igimi	1	YLP/IEBL/JDS/PIECE/BiP
Law and Society (B) (A.L.)	Mediation and Other Conflict Management Approaches	Irie	2	YLP/IEBL/JDS/PIECE/BiP
Intellectual Property and the Law (B) (A.L.)	Japanese Intellectual Property Law Practice	Teramoto	2	YLP/IEBL/JDS/PIECE/BiP
Intellectual Property and Innovation (A) (A.L.)	Creative Economy and Cultural Diversity	Kojima	2	YLP/IEBL/JDS/PIECE/BiP
Comprehensive Research Seminar (A)	Comprehensive Research Seminar (A)	all faculty members	2	LL.D. (Compulsory)
Contemporary Perspective on Business Law (B) (A.L.)	Deals and Transactions	Jiao	1	YLP/IEBL/JDS/PIECE/BiP/
Transnational Economic Law (A) (A.L.)	World Trade Law	Araki	2	YLP/IEBL/JDS/PIECE/BiP/
Transnational Economic Law (B) (A.L.)	International Economic Law and Practice	Kawazu Oshima	1	YLP/IEBL/JDS/PIECE/BiP/
Law and Economy (A) (A.L.)	Business Law in a Networked Age	Vermeulen, Fenwick	2	YLP/IEBL/JDS/PIECE/BiP/
Transnational Civil Litigation (A) (A.L.)	Legal Negotiation	Dauti	2	YLP/IEBL/JDS/PIECE/BiP/
Law & Contemporary Problems (B) (A.L.)	Introduction to European Information Technology Law	Forgo	2	YLP/IEBL/JDS/PIECE/BiP/
Law and Development	JDS Forum	Han	1	JDS <b>(Compulsory)</b>
Legal Research Training (B)	Legal Research Training	Van Uytsel	2	LL.D. 1st & 2nd year <b>(Compulsory)</b>

## Fall Semester

Subject Name	Course Title	Professor	Credit	Course
Intellectual Property and the Law (A) (A.L.)	Fundamental Issues in IP Laws	Teramoto	2	YLP/IEBL/JDS/BiP
Law and Regulation (B) (A.L.)	White Collar and Corporate Crime	Fenwick	2	YLP/IEBL/JDS/BiP
Transnational Business Law (B) (A.L.)	Transnational Commercial Law and Foreign Investment Law	Pejovic	2	YLP/IEBL/JDS/BiP
Law and Society (A) (A.L.)	Introduction to Japanese Law, Historical Perspective I (in Japanese)	Igimi	1	BiP (YLP/IEBL/JDS)
Law and Society (A) (A.L.)	Introduction to Japanese Law, Historical Perspective II (in English)	Igimi	1	YLP/IEBL/JDS/BiP
Transnational Law and Policy (A) (A.L.)	Introduction to EU Law	Fenwick	2	YLP/IEBL/JDS/BiP
Transnational Public Law (A) (A.L.)	International Law in Today's World	Akashi	2	YLP/IEBL/JDS/BiP
Law and Development	JDS Forum	Han	1	JDS <b>(Compulsory)</b>
Legal Research Methodology & Writing (A.L.)	Legal Research Methodology and Writing	Van Uytsel	2	YLP/IEBL/JDS/BiP LL.D. 1st year <b>(Compulsory)</b>
Transnational Business Law (A) (A.L.)	International Commercial Arbitration I	Hop	1	YLP/IEBL/JDS/BiP
Transnational Business Law (A) (A.L.)	International Commercial Arbitration II	Pereira	1	YLP/IEBL/JDS/BiP
Contemporary Perspectives on Business Law (A) (A.L.)	International Financial Regulation	Gu	1	YLP/IEBL/JDS/BiP
Transnational Public Law (B)	International Environmental Law	Ishigaki	1	YLP/IEBL/JDS/BiP
Corporate and Business Law (B) (A.L.)	Comparative Perspectives on Corporate and Business Law	Ge	1	YLP/IEBL/JDS/BiP
Law and Governance (A) (A.L.)	Japanese Constitutional & Administrative Law	Kadomatsu	2	YLP/IEBL/JDS/BiP
Business Law (A) (A.L.)	Creative Thinking	Vermeulen, Fenwick	2	YLP/IEBL/JDS/BiP
Comprehensive Research Seminar (A)	Comprehensive Research Seminar	all faculty members	2	LL.D. <b>(Compulsory)</b>

<b>Term</b>	Spring 2017 Quarter 3
<b>Course</b>	YLP/IEBL/JDS/JLTC/BiP
<b>Subject Name</b>	Law and Regulation (A) (A.L.)
<b>Course Title</b>	Contemporary Issues in Competition Law
<b>Credit</b>	2
<b>Lecturer</b>	Steven Van Uytsel
<b>Office</b>	21st century plaza 1F
<b>e-mail</b>	uytsel@law.kyushu-u.ac.jp

### Outline

One of the most egregious forms of a competition law infringement is cartel formation. Cartels almost always have a negative impact on consumer prices. Therefore, many competition law enforcement authorities have made it their top priority to eradicate any form of cartelization (price fixing, bid rigging, production quotas, etc.). One tool that has facilitated to realize this policy goal is the leniency program. Leniency programs allow enforcement authorities to rely on inside information for the otherwise very secretively operating cartels. The smooth operation of a leniency program depends on various other factors, legal or extra-legal.

It is the purpose of this course to provide more insight in the working of a leniency program to enforce competition (cartel) law. In doing so, will also provide information on other instruments used in the enforcement of competition law. To clarify these issues, the course will draw from examples of various jurisdictions.

### Course Structure

The course will cover, among others, the following subjects:

- 1) cartels in society (punish or not) – covering various political options towards the (il)legality of cartels
- 2) cartels and economic theory – insights of economic theory on whether cartels should be punished
- 3) cartel and enforcement – how start an investigation – how conduct a proper investigation
- 4) leniency programs – conceptualization – interaction with criminal sanctions, private damages actions – settlement procedures – international coordination policies

### Assessment

Closed book exam. The exam will be divided into two parts: 30 minute multiple choice exam and a 60 minute written exam (100% - based upon the course materials and explanations in 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	3 <sup>rd</sup> quarter, 2016-2017
Course	Elective for IEBL YLP BiP JDS
Course Title	Basics and Current Debates in Japanese Law
Credit	1
Lecturer	Mariko IGIMI

Outline
<p>How do Japanese students learn law? What issues do they discuss?  Take a look at topics discussed in a textbook of introduction to law together with Japanese students. Topics are from constitutional law, criminal procedure, corporate , and intellectual property law.</p> <p>This is one of the unique opportunities to study together with Japanese students. For those students who wish to learn Japanese language are welcomed, too.</p> <p>&lt;Aims&gt;</p> <ul style="list-style-type: none"> <li>• to be able to analyze contemporary legal issues in Japan</li> </ul>

Course Structure
<p>The course will be held in seminar style. Each group consisted of international and Japanese students will prepare a presentation on topics provided. Reading materials will be an English translation of a Textbook on Japanese law made by faculty members.</p>

Assessment
<p>To be announced.</p>

**English Proficiency**

\*Please note that for non-IEBL/YLP/BiP/JDS students, this class is for everyone who can command daily English, i.e. who can somehow express their thoughts in English.

Term	Spring 2017 Quarter 3
Course	Elective for IEBL YLP BiP JDS
Subject Name	Law and Society (B) (A.L.)
Course Title	Mediation and Other Conflict Management Approaches
Credit	2
Lecturer	Associate Professor Hideaki Irie

### Course Overview

This course will introduce students to the discussion on modern conflict management theories as well as practical skills of mediation. Mediation is considered to be the prototype method of modern conflict management systems to empower the parties to get satisfactory and sustainable solutions.

All students will be divided into groups which make the presentations on mediation skills and Alternative Dispute Resolution (ADR) literatures. Students will also have opportunities to play mock mediation scenarios.

### Course Schedule

Will be distributed in the first class.

### Course Material

- 1) The assigned textbook for mediation skills is following:  
Beer, Jennifer E. & Packard, Caroline (2012) The Mediator's Handbook, 4th, New Society Publishers.
- 2) The other materials will be distributed in the first class.

### Assessment

Will be made based on the followings:

- 1) Group Presentation: Participants will be divided into groups. Each of the groups will make a presentation on a topic. Peer evaluation will be taken. The detail information will be provided in the first class.
- 2) Quiz: One small quiz-type test will be given in the class in order to check understanding of basic concepts.
- 3) Class participation

### English Proficiency

\*Please note that for non-IEBL/YLP/BiP/JDS students, this class is for everyone who can command daily English, i.e. who can somehow express their thoughts in English.

<b>Term</b>	Spring 2017
<b>Course Title</b>	World Trade Law (IEBL/YLP/BiP/JDS)
<b>Credit</b>	2
<b>Lecturer</b>	ARAKI Ichiro
<b>Office</b>	
<b>e-mail</b>	araki@ynu.ac.jp

#### **Outline**

The objective of this course is to introduce basic rules of international economic law as practiced in the World Trade Organization (WTO). The course will also cover certain aspects of international investment law as well as the laws of regional economic integration (free-trade areas, customs unions and regional initiatives for liberalization of trade in services). The approach is based on public international law, focusing mainly on states, though we will discuss the roles of non-governmental organization in international economic law. We will not cover private international law aspects of international trade. Apart from the introductory discussions, we will not deal with regulations of financial and monetary issues. For the discussion of the WTO rules, we will use the WTO publication “Understanding the WTO” downloadable from the WTO website.

#### **Course Structure**

1. Introduction
2. “Grammar and syntax” of international trade
3. Modern history of trade liberalization
4. Basic rules of the WTO
5. WTO agreements
6. Dispute settlement
7. Case studies in dispute settlement in the WTO
8. Cross-cutting issues
9. Trade and development
10. WTO as an organization
11. Doha Development Agenda
12. Regional trade agreements
13. Introduction to international investment law
14. Case studies in investment treaty arbitration
15. Conclusion and final exam

#### **Assessment**

Students will be assessed on the basis of class participation (30%) and final “open book” examination.

English Proficiency

\*Note that for non-IEBL/YLP/BiP/JDS students, this class requires sufficient English proficiency equivalent to about 580 pts. in TOEFL.

<b>Term</b>	Spring 2017 Quarter 4
<b>Course</b>	YLP/IEBL/JDS/BiP/Lifelong Learning
<b>Subject Name</b>	Intellectual Property and Innovation (A) (A.L.)
<b>Course Title</b>	<b>Creative Economy and Cultural Diversity</b>
<b>Credit</b>	2
<b>Lecturer</b>	Ryu KOJIMA
<b>Office</b>	Room No.1-2, Faculty Bldg. 1F
<b>e-mail</b>	kojima@law.kyushu-u.ac.jp

<b>Outline</b>
<p>In this class, we would like to explore various issues related to "creative economy" (or "creative industries") and "cultural diversity" from a normative point of view.</p> <p>In order to achieve diversification of cultural expressions in the society (hereinafter, "cultural diversity"), "creative economy" (or "creative industries") plays very crucial role. According to the definition of DCMS (UK Government Department for Culture, Media and Sports), "creative industries" includes various creative sectors such as Advertising, Architecture, Arts and antique markets, Crafts, Design, Designer Fashion, Film, video and photography, Software, computer games and electronic publishing, Music and the visual and performing arts, Publishing, Television, and Radio. Without economic empowerment, sustainable development could not be possible in all developed/developing economies.</p> <p>At the same time, various other issues are closely related to the concept of "cultural diversity", including language, education, religion, good governance, cultural diplomacy, etc. It would be meaningful to analyze how these concepts are related with economic aspect of culture. In other words, we would like to identify to what extent economic/industrial measures in cultural policy could function (or could not function) in pursuing cultural diversity.</p> <p>In this class, we would like to examine various challenging issues related to "creative economy", "creative industries" and "cultural diversity", adopting an interdisciplinary approach.</p>

<b>Course Structure</b>
<p>Participants in this class are required to read the materials beforehand, and actively participate in discussion in the class. Participants are also required to make presentations.</p> <p><b>Reading Materials:</b></p> <ol style="list-style-type: none"> <li>1. UNDP &amp; UNESCO, Creative Economy Report 2013 (2013), <i>available at</i> <a href="http://www.unesco.org/culture/pdf/creative-economy-report-2013.pdf">http://www.unesco.org/culture/pdf/creative-economy-report-2013.pdf</a></li> <li>2. Investing in Cultural Diversity and Intercultural Exchange (2009), <i>available at</i> <a href="http://unesdoc.unesco.org/images/0018/001847/184755E.pdf">http://unesdoc.unesco.org/images/0018/001847/184755E.pdf</a></li> </ol>
<b>Assessment</b>
<p>Assessments will be based on the class participation and the final examination.</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>	Spring 2017 Quarter 3
<b>Course</b>	Elective for YLP/IEBL/JDS/BiP
<b>Subject Name</b>	Conflict of Laws (A) (A.L.)
<b>Course Title</b>	INTELLECTUAL PROPERTY AND PRIVATE INTERNATIONAL LAW
<b>Credits</b>	2
<b>Lecturers</b>	Toshiyuki Kono

### Outline

The emergence and development of global business activities and the inception of the Internet brings about many problems related to cross-border enforcement of IP rights. These issues have attracted much attention from lawyers within the fields of both private international law and IP law.

During the last few decades courts in different countries faced disputes concerning cross-border enforcement of IP rights. However, in most cases courts took strict territorial approach to IP rights. As a result, holders of IP rights must seek the protection of IP rights on a country-by-country basis despite the fact that the IP market is global. In practice, the adjudication of IP disputes is very costly and inefficient. Therefore, a number of proposals have been suggested in order to facilitate the enforcement of IP rights.

The aim of this course is to investigate the existing legal framework concerning the adjudication of multi-state IP disputes. The following questions will be discussed: Which court can decide a dispute over IP rights? Which law should be applied? When can a foreign judgment concerning IP rights be recognised? During the course, the most recent court decisions and legislative developments in common-law countries, EU and Asian countries will be discussed. Existing legal problems related to the cross-border enforcement of IP rights will be analysed from the angle of institutional capacities and efficiency considerations.

### Literature

- *The CLIP Principles and Commentary* (Oxford, Oxford University Press, 2013);
- Kono, *Intellectual Property and Private International Law* (Hart, 2012)
- Ubertazzi, *Exclusive Jurisdiction in Intellectual Property Law* (Tübingen, Mohr Siebeck, 2012)
- Fawcett/Torremans, *Intellectual Property and Private International Law*, (OUP, 2nd ed., 2011)
- Basedow/Kono/Metzger (eds.), *Intellectual Property in the Global Arena: Jurisdiction, Applicable Law, and the Recognition of Judgments in Europe, Japan and the US*, (Tübingen, Mohr Siebeck, 2010).
- Leible/Ohly (eds.), *Intellectual Property and Private International Law*, (Mohr Siebeck, 2009)
- Nuyts (ed.), *International Intellectual Property and Information Technology*, (Kluwer, 2008)
- Drexl/Kur (eds), *Intellectual Property and Private International Law: Heading for Future*, (Hart, 2005)
- Basedow/Drexl/Kur/Metzger (eds), *Intellectual Property in the Conflict of Laws*, (Mohr Siebeck, 2005)
- Bariati (ed), *Litigating Intellectual Property Rights Disputes Cross-border: EU Regulations, ALI Principles, CLIP Project*, (Milan, CEDAM, 2010)
- The American Law Institute, *Intellectual Property: Principles Governing Jurisdiction, Choice of Law and Judgments in Transnational Disputes* (Chestnut, ALI Publishers, 2008)
- Dinwoodie, 'Developing a Private International Intellectual Property Law: The Demise of Territoriality?' (2009) 51 *William and Mary Law Review* 713-800
- Dreyfuss, 'Resolving Patent Disputes in a Global Economy' in Moufang/Takenaka (eds.), *Patent Law: A Handbook of Contemporary Research* (Edward Elgar, 2009) at 610 *et seq.*
- Franzosi, 'World-wide Patent Litigation and the Italian Torpedo' (1997) 19 *EIPR* 382
- Franzosi, 'Torpedoes are here to stay' (2002) 3(2) *IIC* 154

(Further reading materials will be provided in the class)

## Course Structure

- Introduction
  - International Jurisdiction
- General grounds of jurisdiction
- Subject-matter/exclusive jurisdiction; justiciability
- Jurisdiction over IP infringement claims
- Jurisdiction to grant provisional and protective measures
- Jurisdiction over IP contracts and choice of court agreements
- Parallel proceedings and consolidation of claims against multiple defendants
  - Applicable Law
- Territoriality, Lex Protectionis and Applicable Law to Initial Ownership
- Applicable Law to Infringement of IPRs; liability of secondary infringers
- Applicable law to Contracts for the Exploitation of IPRs
- Recognition and enforcement
- Arbitration of IP disputes
- Custom measures, goods in transit, parallel import
- Final Exam

## Assessment

Assessment will be based on the class participation (30%) and a written exam (70%).  
Written exam will consist of a case study and several open questions.

## 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>	Spring 2017 Quarter 3
<b>Course</b>	Elective for IEBL YLP BiP JDS
<b>Subject Name</b>	Transnational Business Law (B) (A.L.)
<b>Course Title</b>	International Maritime Law
<b>Credit</b>	2
<b>Lecturer</b>	Caslav Pejovic

#### Outline

The object of this course is to provide the students with a general understanding of the fundamental issues of international maritime law and lead them to sources to learn more. The course will focus on the international regulation and comparative law analyses of the most significant topics of international maritime law. The lecture classes will include an initial "general part" for the benefit of those who lack prior background in international maritime law. The main idea of the course is to cover a wide range of subjects related to the international maritime law, trying to identify the main issues for each of them and how they are dealt with by the law and in the practice. The course provides a more in depth study with regard to the selected areas in law and practice, which are identified as being more essential and most widely adopted in maritime business. The course will start with issues related to the legal status and safety of the ship, ways of acquisition of the ship. The central part of the course will deal with carriage of goods by sea. The last part will deal with accidents at sea and tort liability.

#### Course Structure

The course will follow a lecture and discussion format. Students will receive reading materials in advance and they are expected to read the assigned readings and be prepared to discuss them in class. Participation in class discussion is required. In order to have a meaningful class discussion, and in order for students to learn as much as possible, all students should participate. Class time will be used for discussion of the subject covered by reading materials. Written questions for discussion may be handed out with the reading materials before the class, so that students have time to prepare their ideas before the class.

#### 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.

<b>Term</b>	Spring 2017 Quarter 4
<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.L.)
<b>Course Title</b>	Legal Research Methodology and Writing
<b>Credit</b>	--
<b>Lecturer</b>	Steven Van Uytsel
<b>Office</b>	21st century plaza (21 <sup>st</sup> century plaza 1F)
<b>e-mail</b>	uytsel@law.kyushu-u.ac.jp

<b>Outline</b>
<p>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.</p> <p>In order to prevent students from submitting a thesis that contains sections or sentences that are plagiarized, the June 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.</p> <p>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.</p>

<b>Course Structure</b>
The course will be conducted in class form, individual sessions, or e-learning.

<b>Assessment</b>
No specific assessment

<b>Term</b>	Spring 2017 (Quarter 3) Intensive Lecture
<b>Course</b>	YLP/IEBL/JDS/BiP/Lifelong Learning
<b>Subject Name</b>	
<b>Course Title</b>	Deals and Transactions (M&A)
<b>Credit</b>	1
<b>Lecturer</b>	<b>Jason Jose R. Jiao</b>
<b>Office</b>	Oh-Ebashi LPC & Partners, Tokyo
<b>E-mail</b>	jjiao@ohebashi.com

#### **Outline**

This course aims to bridge the gap between academic theory and transactional practice by introducing students to basic deal-making techniques - analyzing, drafting and negotiating transactional documents – and common deal issues. It will explore the lawyer's role in structuring and implementing business deals to create value, manage business risks, and promote/protect the client's interests in a complex legal and regulatory environment. The class will focus on transactions in the field of mergers and acquisitions ("M&A"), which will include public company and private deals.

A portion of the course will be devoted to understanding the theoretical underpinnings of contracting and deal-making generally, but the primary focus will be to give practical exposure to students who are interested in M&A transactional work. Where possible and appropriate, we will use real deal documents from past transactions. To help build transactional skills, students will have an opportunity to participate in strategy sessions, drafting exercises and negotiations. The class will be taught by a partner of Oh-Ebashi LPC & Partners, one of the leading law firms in Japan.

#### **Course Structure**

The class will be taught as an intensive course consisting of seven 90-minute lectures. The course materials will be uploaded online in advance and students will be expected to have read them prior to class and be prepared to participate in class discussions and activities.

#### **Assessment**

Students will be graded based on their participation and contribution in class discussions and a final examination.

#### **English Proficiency**

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

# **BASIC OUTLINE ON LEGAL NEGOTIATIONS**

Prepared for: Students  
of Kyushu Summer Institute  
in Law & Innovation 2016

Prepared by: Ylber Albert Dauti, Esq.

New York, New York – June 2016

1. The Three Main Negotiating Skills:
  - a. Being a good Actor;
  - b. Being a good Psychologist;
  - c. Having good Judgment with lots of Common Sense.
  
2. The Three Main Negotiating Styles:
  - a. Competitive;
  - b. Cooperative;
  - c. Situational.
  
3. The Three Main Types of Negotiating Situations:
  - a. Transaction;
  - b. Relationship;
  - c. Combination/Variation of both of the above.
  
4. The Three Main Types of Negotiating Techniques “pitted” Against Each-Other:
  - a. Competitive vs. Problem-solving;
  - b. Integrative Bargaining vs. Distributive Bargaining;
  - c. Positional Negotiation vs. Principled Negotiation.
  
5. The Main Steps of Negotiation Process:
  - a. Preparation;

- b. Introduction:
- c. Opening Statements:
- d. Exchanging Information;
- e. Demand, Offer, Counter-demand and Counter-offer;
- f. To Be or Not To Be - Deal or No Deal;
- g. Closing a Deal.

## 6. Multiparty Negotiations and Mediation.

## 7. Ethical Aspects of Negotiations for Lawyers.

## 8. Few Words on Litigation – Worst Alternative to Negotiation.

There will be numerous cases – based on real-life situations/experiences – discussed during the course to illustrate aspects of negotiations listed on this outline. Additionally, there will be – throughout the course – special focus on the role of cultural differences in negotiations.

Finally – and most importantly – after covering the theoretical aspects of negotiations, students shall be divided in groups and asked to engage in real negotiations situations to practice the knowledge acquired during the course. Following such negotiations situations, there will be feedback discussions with everyone sharing their experiences, thoughts and suggestions.

Term	Spring 2017 Quarter 4
Course	Elective for IEBL YLP BiP JDS
Subject Name	Intellectual Property and the Law (B) (A.L.)
Course Title	Japanese Intellectual Property Law Practice
Credit	2
Lecturer	Prof. Shinto Teramoto
e-mail	jshin768@gmail.com

## Outline

The course provides an outline of the intellectual property laws of Japan, especially focusing on the major topics of patent and copyright, while giving insights to the harmonization of the intellectual property practice in Japan, EU, U.S. and other jurisdictions.

This course will provide students with an understanding of the basic concepts and philosophy behind the black letter laws and practices.

Through class discussion, students will gain an insight into the basic policies of intellectual property laws that are common to Japan and other countries, as well as those concepts that are unique to Japan.

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## Course Website

- <https://sites.google.com/site/q2017ippractice/>
- Resume, reading materials and other information will be posted on the course website.

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## 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. The structure of intellectual property laws.
  2. Who should be given the rights?
  3. Patentability.
  4. Copyrightability.
  5. Patent examination, trial, etc.
  6. Patent infringement.
  7. Copyright infringement.
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## Reading Materials

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

- Grading will be based on class participation and the final examination.

## 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/>

<b>Term</b>	Spring 2017 Quarter 3
<b>Course</b>	YLP/IEBL/JDS/JLTC/BiP
<b>Subject Name</b>	Law and Regulation (A) (A.L.)
<b>Course Title</b>	Contemporary Issues in Competition Law
<b>Credit</b>	2
<b>Lecturer</b>	Steven Van Uytsel
<b>Office</b>	21st century plaza 1F
<b>e-mail</b>	uytsel@law.kyushu-u.ac.jp

### Outline

One of the most egregious forms of a competition law infringement is cartel formation. Cartels almost always have a negative impact on consumer prices. Therefore, many competition law enforcement authorities have made it their top priority to eradicate any form of cartelization (price fixing, bid rigging, production quotas, etc.). One tool that has facilitated to realize this policy goal is the leniency program. Leniency programs allow enforcement authorities to rely on inside information for the otherwise very secretively operating cartels. The smooth operation of a leniency program depends on various other factors, legal or extra-legal.

It is the purpose of this course to provide more insight in the working of a leniency program to enforce competition (cartel) law. In doing so, will also provide information on other instruments used in the enforcement of competition law. To clarify these issues, the course will draw from examples of various jurisdictions.

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The course will cover, among others, the following subjects:

- 1) cartels in society (punish or not) – covering various political options towards the (il)legality of cartels
- 2) cartels and economic theory – insights of economic theory on whether cartels should be punished
- 3) cartel and enforcement – how start an investigation – how conduct a proper investigation
- 4) leniency programs – conceptualization – interaction with criminal sanctions, private damages actions – settlement procedures – international coordination policies

### Assessment

Closed book exam. The exam will be divided into two parts: 30 minute multiple choice exam and a 60 minute written exam (100% - based upon the course materials and explanations in 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	3 <sup>rd</sup> quarter, 2016-2017
Course	Elective for IEBL YLP BiP JDS
Course Title	Basics and Current Debates in Japanese Law
Credit	1
Lecturer	Mariko IGIMI

Outline
<p>How do Japanese students learn law? What issues do they discuss?  Take a look at topics discussed in a textbook of introduction to law together with Japanese students. Topics are from constitutional law, criminal procedure, corporate , and intellectual property law.</p> <p>This is one of the unique opportunities to study together with Japanese students. For those students who wish to learn Japanese language are welcomed, too.</p> <p>&lt;Aims&gt;</p> <ul style="list-style-type: none"> <li>• to be able to analyze contemporary legal issues in Japan</li> </ul>

Course Structure
<p>The course will be held in seminar style. Each group consisted of international and Japanese students will prepare a presentation on topics provided. Reading materials will be an English translation of a Textbook on Japanese law made by faculty members.</p>

Assessment
<p>To be announced.</p>

### English Proficiency

\*Please note that for non-IEBL/YLP/BiP/JDS students, this class is for everyone who can command daily English, i.e. who can somehow express their thoughts in English.

Term	Spring 2017 Quarter 3
Course	Elective for IEBL YLP BiP JDS
Subject Name	Law and Society (B) (A.L.)
Course Title	Mediation and Other Conflict Management Approaches
Credit	2
Lecturer	Associate Professor Hideaki Irie

### Course Overview

This course will introduce students to the discussion on modern conflict management theories as well as practical skills of mediation. Mediation is considered to be the prototype method of modern conflict management systems to empower the parties to get satisfactory and sustainable solutions.

All students will be divided into groups which make the presentations on mediation skills and Alternative Dispute Resolution (ADR) literatures. Students will also have opportunities to play mock mediation scenarios.

### Course Schedule

Will be distributed in the first class.

### Course Material

- 1) The assigned textbook for mediation skills is following:  
Beer, Jennifer E. & Packard, Caroline (2012) The Mediator's Handbook, 4th, New Society Publishers.
- 2) The other materials will be distributed in the first class.

### Assessment

Will be made based on the followings:

- 1) Group Presentation: Participants will be divided into groups. Each of the groups will make a presentation on a topic. Peer evaluation will be taken. The detail information will be provided in the first class.
- 2) Quiz: One small quiz-type test will be given in the class in order to check understanding of basic concepts.
- 3) Class participation

### English Proficiency

\*Please note that for non-IEBL/YLP/BiP/JDS students, this class is for everyone who can command daily English, i.e. who can somehow express their thoughts in English.

<b>Term</b>	Spring 2017
<b>Course Title</b>	World Trade Law (IEBL/YLP/BiP/JDS)
<b>Credit</b>	2
<b>Lecturer</b>	ARAKI Ichiro
<b>Office</b>	
<b>e-mail</b>	araki@ynu.ac.jp

#### **Outline**

The objective of this course is to introduce basic rules of international economic law as practiced in the World Trade Organization (WTO). The course will also cover certain aspects of international investment law as well as the laws of regional economic integration (free-trade areas, customs unions and regional initiatives for liberalization of trade in services). The approach is based on public international law, focusing mainly on states, though we will discuss the roles of non-governmental organization in international economic law. We will not cover private international law aspects of international trade. Apart from the introductory discussions, we will not deal with regulations of financial and monetary issues. For the discussion of the WTO rules, we will use the WTO publication “Understanding the WTO” downloadable from the WTO website.

#### **Course Structure**

1. Introduction
2. “Grammar and syntax” of international trade
3. Modern history of trade liberalization
4. Basic rules of the WTO
5. WTO agreements
6. Dispute settlement
7. Case studies in dispute settlement in the WTO
8. Cross-cutting issues
9. Trade and development
10. WTO as an organization
11. Doha Development Agenda
12. Regional trade agreements
13. Introduction to international investment law
14. Case studies in investment treaty arbitration
15. Conclusion and final exam

#### **Assessment**

Students will be assessed on the basis of class participation (30%) and final “open book” examination.

English Proficiency

\*Note that for non-IEBL/YLP/BiP/JDS students, this class requires sufficient English proficiency equivalent to about 580 pts. in TOEFL.

<b>Term</b>	Spring 2017 Quarter 4
<b>Course</b>	YLP/IEBL/JDS/BiP/Lifelong Learning
<b>Subject Name</b>	Intellectual Property and Innovation (A) (A.L.)
<b>Course Title</b>	<b>Creative Economy and Cultural Diversity</b>
<b>Credit</b>	2
<b>Lecturer</b>	Ryu KOJIMA
<b>Office</b>	Room No.1-2, Faculty Bldg. 1F
<b>e-mail</b>	kojima@law.kyushu-u.ac.jp

<b>Outline</b>
<p>In this class, we would like to explore various issues related to "creative economy" (or "creative industries") and "cultural diversity" from a normative point of view.</p> <p>In order to achieve diversification of cultural expressions in the society (hereinafter, "cultural diversity"), "creative economy" (or "creative industries") plays very crucial role. According to the definition of DCMS (UK Government Department for Culture, Media and Sports), "creative industries" includes various creative sectors such as Advertising, Architecture, Arts and antique markets, Crafts, Design, Designer Fashion, Film, video and photography, Software, computer games and electronic publishing, Music and the visual and performing arts, Publishing, Television, and Radio. Without economic empowerment, sustainable development could not be possible in all developed/developing economies.</p> <p>At the same time, various other issues are closely related to the concept of "cultural diversity", including language, education, religion, good governance, cultural diplomacy, etc. It would be meaningful to analyze how these concepts are related with economic aspect of culture. In other words, we would like to identify to what extent economic/industrial measures in cultural policy could function (or could not function) in pursuing cultural diversity.</p> <p>In this class, we would like to examine various challenging issues related to "creative economy", "creative industries" and "cultural diversity", adopting an interdisciplinary approach.</p>

<b>Course Structure</b>
<p>Participants in this class are required to read the materials beforehand, and actively participate in discussion in the class. Participants are also required to make presentations.</p> <p><b>Reading Materials:</b></p> <ol style="list-style-type: none"> <li>1. UNDP &amp; UNESCO, Creative Economy Report 2013 (2013), <i>available at</i> <a href="http://www.unesco.org/culture/pdf/creative-economy-report-2013.pdf">http://www.unesco.org/culture/pdf/creative-economy-report-2013.pdf</a></li> <li>2. Investing in Cultural Diversity and Intercultural Exchange (2009), <i>available at</i> <a href="http://unesdoc.unesco.org/images/0018/001847/184755E.pdf">http://unesdoc.unesco.org/images/0018/001847/184755E.pdf</a></li> </ol>
<b>Assessment</b>
<p>Assessments will be based on the class participation and the final examination.</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>	Spring 2017 Quarter 3
<b>Course</b>	Elective for YLP/IEBL/JDS/BiP
<b>Subject Name</b>	Conflict of Laws (A) (A.L.)
<b>Course Title</b>	INTELLECTUAL PROPERTY AND PRIVATE INTERNATIONAL LAW
<b>Credits</b>	2
<b>Lecturers</b>	Toshiyuki Kono

### Outline

The emergence and development of global business activities and the inception of the Internet brings about many problems related to cross-border enforcement of IP rights. These issues have attracted much attention from lawyers within the fields of both private international law and IP law.

During the last few decades courts in different countries faced disputes concerning cross-border enforcement of IP rights. However, in most cases courts took strict territorial approach to IP rights. As a result, holders of IP rights must seek the protection of IP rights on a country-by-country basis despite the fact that the IP market is global. In practice, the adjudication of IP disputes is very costly and inefficient. Therefore, a number of proposals have been suggested in order to facilitate the enforcement of IP rights.

The aim of this course is to investigate the existing legal framework concerning the adjudication of multi-state IP disputes. The following questions will be discussed: Which court can decide a dispute over IP rights? Which law should be applied? When can a foreign judgment concerning IP rights be recognised? During the course, the most recent court decisions and legislative developments in common-law countries, EU and Asian countries will be discussed. Existing legal problems related to the cross-border enforcement of IP rights will be analysed from the angle of institutional capacities and efficiency considerations.

### Literature

- *The CLIP Principles and Commentary* (Oxford, Oxford University Press, 2013);
- Kono, *Intellectual Property and Private International Law* (Hart, 2012)
- Ubertazzi, *Exclusive Jurisdiction in Intellectual Property Law* (Tübingen, Mohr Siebeck, 2012)
- Fawcett/Torremans, *Intellectual Property and Private International Law*, (OUP, 2nd ed., 2011)
- Basedow/Kono/Metzger (eds.), *Intellectual Property in the Global Arena: Jurisdiction, Applicable Law, and the Recognition of Judgments in Europe, Japan and the US*, (Tübingen, Mohr Siebeck, 2010).
- Leible/Ohly (eds.), *Intellectual Property and Private International Law*, (Mohr Siebeck, 2009)
- Nuyts (ed.), *International Intellectual Property and Information Technology*, (Kluwer, 2008)
- Drexl/Kur (eds), *Intellectual Property and Private International Law: Heading for Future*, (Hart, 2005)
- Basedow/Drexl/Kur/Metzger (eds), *Intellectual Property in the Conflict of Laws*, (Mohr Siebeck, 2005)
- Bariati (ed), *Litigating Intellectual Property Rights Disputes Cross-border: EU Regulations, ALI Principles, CLIP Project*, (Milan, CEDAM, 2010)
- The American Law Institute, *Intellectual Property: Principles Governing Jurisdiction, Choice of Law and Judgments in Transnational Disputes* (Chestnut, ALI Publishers, 2008)
- Dinwoodie, 'Developing a Private International Intellectual Property Law: The Demise of Territoriality?' (2009) 51 *William and Mary Law Review* 713-800
- Dreyfuss, 'Resolving Patent Disputes in a Global Economy' in Moufang/Takenaka (eds.), *Patent Law: A Handbook of Contemporary Research* (Edward Elgar, 2009) at 610 *et seq.*
- Franzosi, 'World-wide Patent Litigation and the Italian Torpedo' (1997) 19 *EIPR* 382
- Franzosi, 'Torpedoes are here to stay' (2002) 3(2) *IIC* 154

(Further reading materials will be provided in the class)

## Course Structure

- Introduction
  - International Jurisdiction
- General grounds of jurisdiction
- Subject-matter/exclusive jurisdiction; justiciability
- Jurisdiction over IP infringement claims
- Jurisdiction to grant provisional and protective measures
- Jurisdiction over IP contracts and choice of court agreements
- Parallel proceedings and consolidation of claims against multiple defendants
  - Applicable Law
- Territoriality, Lex Protectionis and Applicable Law to Initial Ownership
- Applicable Law to Infringement of IPRs; liability of secondary infringers
- Applicable law to Contracts for the Exploitation of IPRs
- Recognition and enforcement
- Arbitration of IP disputes
- Custom measures, goods in transit, parallel import
- Final Exam

## Assessment

Assessment will be based on the class participation (30%) and a written exam (70%).  
Written exam will consist of a case study and several open questions.

## 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>	Spring 2017 Quarter 3
<b>Course</b>	Elective for IEBL YLP BiP JDS
<b>Subject Name</b>	Transnational Business Law (B) (A.L.)
<b>Course Title</b>	International Maritime Law
<b>Credit</b>	2
<b>Lecturer</b>	Caslav Pejovic

#### Outline

The object of this course is to provide the students with a general understanding of the fundamental issues of international maritime law and lead them to sources to learn more. The course will focus on the international regulation and comparative law analyses of the most significant topics of international maritime law. The lecture classes will include an initial “general part” for the benefit of those who lack prior background in international maritime law. The main idea of the course is to cover a wide range of subjects related to the international maritime law, trying to identify the main issues for each of them and how they are dealt with by the law and in the practice. The course provides a more in depth study with regard to the selected areas in law and practice, which are identified as being more essential and most widely adopted in maritime business. The course will start with issues related to the legal status and safety of the ship, ways of acquisition of the ship. The central part of the course will deal with carriage of goods by sea. The last part will deal with accidents at sea and tort liability.

#### Course Structure

The course will follow a lecture and discussion format. Students will receive reading materials in advance and they are expected to read the assigned readings and be prepared to discuss them in class. Participation in class discussion is required. In order to have a meaningful class discussion, and in order for students to learn as much as possible, all students should participate. Class time will be used for discussion of the subject covered by reading materials. Written questions for discussion may be handed out with the reading materials before the class, so that students have time to prepare their ideas before the class.

#### 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.

<b>Term</b>	Spring 2017 Quarter 4
<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.L.)
<b>Course Title</b>	Legal Research Methodology and Writing
<b>Credit</b>	--
<b>Lecturer</b>	Steven Van Uytsel
<b>Office</b>	21st century plaza (21 <sup>st</sup> century plaza 1F)
<b>e-mail</b>	uytsel@law.kyushu-u.ac.jp

<b>Outline</b>
<p>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.</p> <p>In order to prevent students from submitting a thesis that contains sections or sentences that are plagiarized, the June 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.</p> <p>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.</p>

<b>Course Structure</b>
The course will be conducted in class form, individual sessions, or e-learning.

<b>Assessment</b>
No specific assessment

<b>Term</b>	Spring 2017 (Quarter 3) Intensive Lecture
<b>Course</b>	YLP/IEBL/JDS/BiP/Lifelong Learning
<b>Subject Name</b>	
<b>Course Title</b>	Deals and Transactions (M&A)
<b>Credit</b>	1
<b>Lecturer</b>	<b>Jason Jose R. Jiao</b>
<b>Office</b>	Oh-Ebashi LPC & Partners, Tokyo
<b>E-mail</b>	jjiao@ohebashi.com

#### Outline

This course aims to bridge the gap between academic theory and transactional practice by introducing students to basic deal-making techniques - analyzing, drafting and negotiating transactional documents – and common deal issues. It will explore the lawyer's role in structuring and implementing business deals to create value, manage business risks, and promote/protect the client's interests in a complex legal and regulatory environment. The class will focus on transactions in the field of mergers and acquisitions ("M&A"), which will include public company and private deals.

A portion of the course will be devoted to understanding the theoretical underpinnings of contracting and deal-making generally, but the primary focus will be to give practical exposure to students who are interested in M&A transactional work. Where possible and appropriate, we will use real deal documents from past transactions. To help build transactional skills, students will have an opportunity to participate in strategy sessions, drafting exercises and negotiations. The class will be taught by a partner of Oh-Ebashi LPC & Partners, one of the leading law firms in Japan.

#### Course Structure

The class will be taught as an intensive course consisting of seven 90-minute lectures. The course materials will be uploaded online in advance and students will be expected to have read them prior to class and be prepared to participate in class discussions and activities.

#### Assessment

Students will be graded based on their participation and contribution in class discussions and a final examination.

#### English Proficiency

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

# **BASIC OUTLINE ON LEGAL NEGOTIATIONS**

Prepared for: Students  
of Kyushu Summer Institute  
in Law & Innovation 2016

Prepared by: Ylber Albert Dauti, Esq.

New York, New York – June 2016

1. The Three Main Negotiating Skills:
  - a. Being a good Actor;
  - b. Being a good Psychologist;
  - c. Having good Judgment with lots of Common Sense.
  
2. The Three Main Negotiating Styles:
  - a. Competitive;
  - b. Cooperative;
  - c. Situational.
  
3. The Three Main Types of Negotiating Situations:
  - a. Transaction;
  - b. Relationship;
  - c. Combination/Variation of both of the above.
  
4. The Three Main Types of Negotiating Techniques “pitted” Against Each-Other:
  - a. Competitive vs. Problem-solving;
  - b. Integrative Bargaining vs. Distributive Bargaining;
  - c. Positional Negotiation vs. Principled Negotiation.
  
5. The Main Steps of Negotiation Process:
  - a. Preparation;

- b. Introduction:
- c. Opening Statements:
- d. Exchanging Information;
- e. Demand, Offer, Counter-demand and Counter-offer;
- f. To Be or Not To Be - Deal or No Deal;
- g. Closing a Deal.

## 6. Multiparty Negotiations and Mediation.

## 7. Ethical Aspects of Negotiations for Lawyers.

## 8. Few Words on Litigation – Worst Alternative to Negotiation.

There will be numerous cases – based on real-life situations/experiences – discussed during the course to illustrate aspects of negotiations listed on this outline. Additionally, there will be – throughout the course – special focus on the role of cultural differences in negotiations.

Finally – and most importantly – after covering the theoretical aspects of negotiations, students shall be divided in groups and asked to engage in real negotiations situations to practice the knowledge acquired during the course. Following such negotiations situations, there will be feedback discussions with everyone sharing their experiences, thoughts and suggestions.

Term	Spring 2017 Quarter 4
Course	Elective for IEBL YLP BiP JDS
Subject Name	Intellectual Property and the Law (B) (A.L.)
Course Title	Japanese Intellectual Property Law Practice
Credit	2
Lecturer	Prof. Shinto Teramoto
e-mail	jshin768@gmail.com

## Outline

The course provides an outline of the intellectual property laws of Japan, especially focusing on the major topics of patent and copyright, while giving insights to the harmonization of the intellectual property practice in Japan, EU, U.S. and other jurisdictions.

This course will provide students with an understanding of the basic concepts and philosophy behind the black letter laws and practices.

Through class discussion, students will gain an insight into the basic policies of intellectual property laws that are common to Japan and other countries, as well as those concepts that are unique to Japan.

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## Course Website

- <https://sites.google.com/site/q2017ippractice/>
- Resume, reading materials and other information will be posted on the course website.

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## 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. The structure of intellectual property laws.
  2. Who should be given the rights?
  3. Patentability.
  4. Copyrightability.
  5. Patent examination, trial, etc.
  6. Patent infringement.
  7. Copyright infringement.
-

## Reading Materials

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

- Grading will be based on class participation and the final examination.

## 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/>