

**COURSE DESCRIPTIONS**  
**Fall 2024**

<b>Term</b>	Fall Quarter 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<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 have 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 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.

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 2024 page (versions from earlier years may remain online) if you want an idea of the content and topics.

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 – The Curious Ides of Corporate Criminal Liability
3. Internal Investigations & ‘Corporate’ Attorney-Client Privilege
4. Diversion I: Deferred Prosecution Agreements
5. Diversion II: Consent Decrees
6. Whistleblowing Law

7. Changing Understandings of Fraud
8. "Cover Up" Crimes: Obstruction of Justice
9. 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 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Law and Economy (C) (A.L.)
<b>Course Title</b>	Science, Technology and Innovation Policy
<b>Credit</b>	1
<b>Lecturer</b>	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://rri-tools.eu/about-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: Orientation

References: ITF Transport Outlook 2023 (Summary) and Anticipatory Innovation Governance (Excerpt)

Class 2

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

Class 3

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

Class 4

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

Assignment:

- (1) "Towards a Politics of Mobility" (Creswell)
- (2) Chapters 1 and 2 of the ITF Transport Outlook (pp.17-72)

Class 6

Assignment: Chapters 3 and 4 of the ITF Transport Outlook (pp.73-142)

Class 7

Assignment: Chapters 5 and 6 of the ITF Transport Outlook (pp.143-213)

## **2. Reading Materials:**

### **(1) International Transport Forum, ITF Transport Outlook 2023 (Summary)**

<https://www.itf-oecd.org/sites/default/files/repositories/itf-transport-outlook-2023-summary-en.pdf>

(20 pages)

### **(2) OECD Observatory of Public Sector Innovation (OPSI), Anticipatory Innovation Governance: What It is, How It Works, and Why We Need It More Than Ever Before (2020)**

<https://oecd-opsi.org/wp-content/uploads/2020/11/AnticipatoryInnovationGovernance-Note-Nov2020.pdf> (27 pages)

\*This is an excerpt of the following OECD Working Paper.

### **(3) 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

### **(4) 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)

### **(5) 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)

### **(6) International Transport Forum, ITF Transport Outlook 2023 (2023)**

[https://www.oecd-ilibrary.org/transport/itf-transport-outlook-2023\\_b6cc9ad5-en](https://www.oecd-ilibrary.org/transport/itf-transport-outlook-2023_b6cc9ad5-en) (216 pages including Annex)

The contents of the ITF Transport Outlook are as follows:

Chapter 1. The outlook for transport: Speedy recovery, new uncertainties

Chapter 2. Decarbonising transport: Scenarios for the future

Chapter 3. Managing transport demand: Offering attractive choices

Chapter 4. Cleaner fleets: The key to decarbonising transport

Chapter 5. Liveable cities: The broader benefits of transport decarbonisation

Chapter 6. Investing in the future: The financial implications of decarbonising transport

**\*You can access and download OECD publications from the following website (OECD Library) by using Kyushu University Identification Number (SSO-KID).**

<https://www.lib.kyushu-u.ac.jp/ja/databases/oecd>

### **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>

(11) United Nations. Sustainable transport, sustainable development. Interagency report for second Global Sustainable Transport Conference. 2021.

[https://sdgs.un.org/sites/default/files/2021-](https://sdgs.un.org/sites/default/files/2021-10/Transportation%20Report%202021_FullReport_Digital.pdf)

[10/Transportation%20Report%202021\\_FullReport\\_Digital.pdf](https://sdgs.un.org/sites/default/files/2021-10/Transportation%20Report%202021_FullReport_Digital.pdf)

(12) Sustainable Mobility for All (Sum4all), Global Mobility Report 2022: Tracking Sector Performance (2022)

[https://www.sum4all.org/data/files/global\\_mobility\\_report\\_2022\\_04052023\\_final.pdf](https://www.sum4all.org/data/files/global_mobility_report_2022_04052023_final.pdf)

### **Assessment**

Assessment is based on the following **three** elements.

(1) Submission of the memo (30%)

Participants are expected to submit a short memo ***before the class (the deadline is 7:00PM Monday evening)***. **You do NOT need to submit a memo for the first class (October 8th)**. After reading the assigned part, please briefly present **a legal issue/legal issues and a solution/solutions to such an issue/issues**.

(2) Class Participation (20%)

(3) Final presentation (50%)

Participants are expected to make a presentation at the end of the class (hopefully group presentations). The presentation should be **a short pitch** (maximum 5-10 minutes depending on the number of groups).

(Question)

As officials of City A, you are responsible for policy-making in the Mobility/Transport sector of your city.

One day, you received an order from your boss to create a proposal for improving City A's Mobility/Transport sector and present it to your local residents. City A may implement excellent proposals as actual policies.

During your presentation, please address the following elements:

- (1) You should specify which city you are working for as officials.
- (2) Choose one issue from the Mobility/Transport sector of [City Name].
- (3) Your presentation should be a short pitch, lasting a maximum of 5-10 minutes. You are also allowed to distribute supplemental materials.

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 2024
<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
<b>Credit</b>	2
<b>LectureX</b>	Xiaorong Li
<b>e-mail</b>	

## Outline

1. Kyushu University Faculty of Law has been participating the Intercollegiate Negotiation Competition for many years. This year, the 23rd of Intercollegiate Negotiation Competition (INC) will be held on 16 and 17 November 2024 at Sophia University in Tokyo. For more information on the competition, please visit the website: <https://www.negocom.jp/eng/comp/schedule.php?tno=23>
2. The competition shall take place in two rounds as follows:
  - (i) Round A (arbitration): all members will act as attorneys of the company they represent in the Problem of INC.
  - (ii) Round B (negotiation): each member shall act in a registered role (normally executives of the company they represent). The various roles will be specified in the Problem of INC.
3. This course intends to train participants for skills in international commercial arbitration and negotiation through studying the problem of this year's competition and preparing statements following the INC competition schedule. Most importantly, we will practice oral arguments for arbitration and negotiation.
4. Whereas lectures will be supplemented, this course will mainly be conducted in the form of discussions and mock practice. In particular, we will do role play whereby students act as attorneys representing the Red or the Blue team for arbitration, and as the company's key persons for negotiation. Alumni may be invited as arbitrators.

A team comprising of 4~6 students will participate in the competition in Tokyo. The team should be prepared to devote their time in addition to the weekly course schedule. Other students in this course are expected to contribute their thoughts in class and support the team by classroom discussions and participating in drills.

To foster more effective classroom discussions, students are encouraged to do legal research on topics related to the problem of this year's competition. Supplementary reading materials will be provided on Moodle.

## Course Structure

In principle, the course will be conducted weekly according to the course timetable. Role plays may be held on different days.

Important dates (subject to change):

- September 17 (Tuesday): Release of the Problem, Rules, and Registration Details
- October 4 (Friday) 15:00 JST: 1st deadline for clarification questions
- October 11 (Friday) 15:00JST: Registration deadline
- October 14 (Monday): Release of the match table and confidential information for Round B
- October 18 (Friday) 15:00 JST: 2nd deadline for clarification questions
- November 6 (Wednesday) Noon JST: Deadline for submission of Preliminary Memorandum for Round A
- November 12 (Tuesday) Noon JST: Deadline for submission of Counter-Argument for Round A and memorandum for Round B

## Assessment

Participants will be assessed based on their performance during the quarter, in particular, their performance in:

- (i) Class discussions,
- (ii) Assignments (submission of memorandums), and
- (iii) Mock arbitration and negotiations

### 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 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP/LL.D. 1st year (Compulsory)
<b>Subject Name</b>	Legal Research Methodology & Writing (A) (A.L.) for LL.M. Legal Research Methodology & Writing (A) (R.) for LL.D.
<b>Course Title</b>	Legal Research Methodology and Writing I
<b>Credit</b>	2
<b>Lecturer</b>	Steven Van Uytsel & Danil Polynovskii
<b>e-mail</b>	

### 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

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 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Intellectual Property and the Law (A) (A.L.)
<b>Course Title</b>	Japanese Intellectual Property Law in Practice
<b>Class</b>	1&2 Thu., November 21st, 14:50-16:20 and 16:40-18:10 3&4 Thu., December 5th, 14:50-16:20 and 16:40-18:10 5&6 Thu., December 12th, 14:50-16:20 and 16:40-18:10 7&8 Thu., December 19th, 14:50-16:20 and 16:40-18:10 9&10 Thu., January 9th, 14:50-16:20 and 16:40-18:10 11&12 Thu., January 16th, 14:50-16:20 and 16:40-18:10 13&14 Thu., January 23rd, 14:50-16:20 and 16:40-18:10 *This schedule is subject to change.
<b>Room</b>	E-109, 1F East Zone 2 * Obtain approval from the lecturer beforehand or immediately after class for absences and late arrivals. For online attendance, you must also seek approval.
<b>Credit</b>	2
<b>Lecturer</b>	Shinto Teramoto
<b>e-mail</b>	<a href="mailto:shinto.teramoto@kyushu-u.ac.jp">shinto.teramoto@kyushu-u.ac.jp</a>

<b>Outline</b>
<p>This course provides a practical overview of intellectual property laws in Japan, with a particular focus on patents, copyrights, and trademarks. These topics will be discussed in the context of other jurisdictions, including the EU, the U.S., and various Asian countries. Students will gain practical training on how to utilize the tools offered by intellectual property laws to protect their clients' rights.</p> <p>Prior knowledge of basic economics and social network analysis is beneficial for students taking this course. These foundational concepts are covered in Japanese Law from the perspective of law and economics (Prof. Kawasaki, Prof. Teramoto and Prof. Kojima).</p> <p>Legal practitioners are expected to be skilled readers and drafters of legal texts such as laws, contracts, patent claims, and court opinions, not PowerPoint wizards. This course will not provide training on becoming a PowerPoint wizard using trendy buzzwords that come and go. Students expecting such training opportunities should look for another course that suits their needs. The terms examined in this course are limited to those that are established or expected to be established in legal practice.</p>
<b>Course Website</b>
<p>Access the Kyushu University Moodle at <a href="https://moodle.s.kyushu-u.ac.jp/">https://moodle.s.kyushu-u.ac.jp/</a> and select "Japanese Intellectual Property Law in Practice 2024, Prof. Shinto TERAMOTO".</p>

### **Course Structure**

The course structure may be subject to change or modification as the course progresses.

The item numbers below may not necessarily correspond to the lecture numbers.

1 & 2 Patent Infringement Litigation Demanding an Injunction

3 & 4 Copyright Infringement Litigation Demanding an Injunction

5 Convincing the Examiners That Your Invention Can Be Worked

6 Proving that the Defendant's Products were Produced by Working the Plaintiff's Patented Invention

7 Performance Rights

8 Public Transmission

9 Trademarks Utilizing Transitivity and Centrality

10 & 11 Novelty, Non-obviousness, and Definiteness of an Invention as Described in a Patent Claim

12 & 13 Protection of Rights on Social Network Services

14 Trade dress

### **Reading Materials**

Materials will be distributed via the Kyushu University Moodle.

### **Assessment**

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

### English Proficiency

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

\*This course is open for the European Union Studies Diploma Programmes (EU-DPs). See more details here; <http://eu.kyushu-u.ac.jp/>

<b>Term</b>	Winter Quarter 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<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

### Outline

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

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

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

### Course Structure

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

### Assessment

Assessment will be based on;

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

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

### 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 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Law and Technology (D) (A.L.)
<b>Course Title</b>	Regulating Robotics: Legal and Ethical Perspectives
<b>Credit</b>	1
<b>Lecturer</b>	Yueh-Hsuan Weng

### Outline

This course aims to provide a core understanding of social robots and the relevant ethical, legal and social issues (ELSI) that arise with their adoption. In addition to cultivating student's ability to critically assess the latest literature at this intersection of law and technology, the course will place an emphasis on the role of AI and its co-evolution with robotics. Developments in AI make robotic systems more expressive, autonomous and sociable which allows them to support humans in fields such as healthcare, education and entertainment. Although robotics in combination with AI has great potential to improve our lives, these technologies also bring with them the possibility of unwanted outcomes. Students will learn how the embodiment of robots can lead to new legal challenges related to privacy and data protection and the ways in which their 'empathic behavior' needs to be regulated. For instance, is it acceptable for a robot to lie if it helps them deliver care? If so, how significant can the lie be? By addressing complex questions like these, the course equips students to navigate the ethical and legal landscapes of a future where robots and humans increasingly coexist as social partners.

### Course Structure

Teaching materials including selected chapters from the Cambridge Handbook of the Law, Policy, and Regulation for Human-Robot Interaction (Barfield, Weng, Pagallo, eds) and power point slides.

Topics cover

1. Introduction to Law, Policy, and Regulation in Human–Robot Interaction
2. Human–Robot Interaction – Issues and Concerns
3. Ethics, Culture, and Values Impacted by Human–Robot Interactions
4. Legal Challenges in Human–Robot Interaction

### Assessment

The course assessment is made up three parts:

- Class participation (30%)
- Assignments (30%)
- Final report: Critical book review to selected chapters from the Cambridge Handbook of the Law, Policy, and Regulation for Human-Robot Interaction (40%)

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 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<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. It will focus on international regulation and comparative law analyses of the most significant topics in international business transactions. The course will examine how law and practice deal with all these issues, including efforts to unify and harmonize international trade law.</p> <p>In the first part, the course will focus on international trade. The international sale of goods is the central part of international trade, and the course will cover several topics related to it. The examination of the international sale of goods will deal, inter alia, with the following: the UNIDROIT International Commercial Contracts Principles, formation and performance of the contract of sale under the UN Convention of International Sale (CISG); standardization of international trade terms (INCOTERMS); the international carriage of goods (the Hague-Visby Rules); insurance of cargo (the Institute Cargo Clauses); payment and financing of the transaction (UCP 600).</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. Examining foreign investment will include a discussion of the following: the types of foreign investment, reasons for foreign investment, legal regulation of foreign investment, incentives for foreign investors, ways of balancing the protection of foreign investment v protection of national interests, new tendencies in Bilateral Investment Treaties (BITs), Foreign Direct Investment (FDI), joint ventures, project financing (BOT), and transfer of technology.</p>
<b>Assessment</b>
<p>Students' performance in the course will be assessed based on class participation and the final exam.</p>

#### 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.

<b>Term</b>	Winter Quarter 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Law and Contemporary Problems (A) (A.L.)
<b>Course Title</b>	Global Value Chains and Law
<b>Credit</b>	2
<b>Lecturer</b>	Toshiyuki Kono & Mark Fenwick

## Outline

When a company tries to expand its economic activities from one country to another, a sovereign state has the power to control it, which creates barriers for the company to overcome. Hyper-globalization, which occurred over a period of about twenty years starting in the 1990s, lowered these barriers significantly, resulting in the rapid expansion of the international decentralization of manufacturing processes and the proliferation of global value chains (GVC).

On the other hand, the management of GVCs has become increasingly complex due to an increase in the number of variables to be considered, such as economic security and responses to growing interest in common values such as the environment and human rights. The construction of a “trustworthy” value chain that responds to such circumstances is now required.

In terms of international rules, new pressures have emerged to create norms for sustainability, fairness, and social justice. The UN adopted the *Guiding Principles on Business and Human Rights* in 2011, and the OECD also included the environment in the 2011 edition of its *Guidelines for Multinational Enterprises*, in addition to human rights matters covered by the guidelines. The OECD also encourages due diligence in all areas covered by its guidelines.

As for hard laws at the national level, a number have been enacted, requiring a high degree of transparency in GVs (e.g., California's *2012 Supply Chain Transparency Act* and the EU's *2015 Non-Financial Reporting Directive*), or as substantive laws and regulations that hold GVCs as whole liable for tortious acts (e.g., *2017 Vigilance Law* (France), *2021 Supply Chain Integrity Law* (Germany), or the UK's *2015 Modern Slavery Act*).

More recently, on 25 July 2024, the EU Directive on corporate sustainability due diligence (Directive 2024/1760) entered into force. The aim of this Directive is to foster sustainable and responsible corporate behavior in companies' operations and across their global value chains and will have a major impact on firms in the EU but also beyond.

Similar legislation is being enacted or enforced in Australia, Canada, and other countries, and the trend toward enacting laws that apply environmental and human rights protection regulations to GVCs is now a global trend.

The purpose of this class is to examine this emerging legal landscape and to think about the character and effects of these emerging norms, as well as their relationship with existing norms that exist at the local level in those jurisdictions where transnational businesses operate. Clearly, such norms create new risks (economic, legal, and reputational) for any business that operates transnationally, but the question of whether such regulatory interventions change behavior on the ground is open for debate, and the question arises of whether compliance becomes an exercise in image management or cosmetic box-ticking.

## Course Structure

The course will be organized as combination of lectures and a hackathon.

After five or six introductory lectures introducing the main issues and problem, students will split into groups to work on the problem.

No textbook will be used for this class. Course materials, including readings and PPT slides, will be uploaded on the Moodle page. A URL will be provided later.

Please note that on MOODLE the class will be called Law and Contemporary Problems (A) (A.L.). Reading materials for last year's class are still available for reference as to the course content.

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

If you have any questions about this course prior to enrolment, please contact Mark Fenwick .

[\\_\\_\\_\\_\\_](#)

## Assessment

Students will be assessed based on the final group presentation and general 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>	Winter Quarter 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Transnational Business Law (B) (A.L.)
<b>Course Title</b>	International Maritime Law
<b>Credit</b>	2
<b>Lecturer</b>	Peter Lee

#### Outline

This course aims to provide students with a general understanding of the international maritime law issues and guide them to informative sources to learn more. It primarily introduces regulations and principles in the most important topics of international maritime law, while deepening the understanding from relevant cases and comparative law perspectives (where applicable). Lectures target not only the students with no prior background in this area of law but also those who seek to study further regarding latest legal developments as well as technological impacts (such as digitalization and autonomous vessels) on maritime law and practice. For the benefit of beginners, this course offers the opportunity to explore a comprehensive range of subjects within international maritime law, trying to identify key issues in each subject and examine how they are addressed. At the same time, students will also engage in an in-depth study of selected areas that are considered more essential and prevalent in modern maritime businesses. The course begins by examining the legal status and safety of the ship, ways of acquisition, and commercial utilization, with a particular focus on the carriage of goods by sea, a central part of this course. The latter part of the course will cover legal issues arising from accidents at sea and associated liabilities, specifically covering collisions, salvage operations, and oil spills.

#### Course Structure

The course adopts a lecture and discussion-based format. Students will be provided with reading materials in advance and are expected to read the assigned readings to participate in lectures and class discussion, which is recommended to foster meaningful dialogue and maximize learning outcomes. To facilitate later discussion and review, written discussion questions may also be distributed along with the class materials.

#### 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>	Winter Quarter 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP (Compulsory)
<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 understandings 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.

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. Engelbrekt, ‘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, edited).
- Douglass C. North, ‘The Role of Institutions in Economic Development,’ UNECE Discussion Papers Series, No. 2003.2 (October 2003).
- Richard C. Ellickson, *Order Without Law* (Harvard University Press, 1991, extracts).
- 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.

Please note the name of this class on MOODLE is Introduction to Legal and Political Studies (C) (A.L.). Material will be uploaded in time for the first session.

Exchange students are 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. Englebrekt & North articles.
7. Ellickson & Leeson, Chapters 1 & 2.

The exact schedule of the classes will be confirmed later.

## 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 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP/LL.D. 1st year (Compulsory)
<b>Subject Name</b>	Legal Research Methodology & Writing (C) (A.L.) for LL.M. Legal Research Methodology & Writing (C) (R.) for LL.D.
<b>Course Title</b>	Legal Research Methodology and Writing II
<b>Credit</b>	1
<b>Lecturer</b>	Van Uytsel & Danil Polynovskii
<b>e-mail</b>	

### 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

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 2024
<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>	Winter Quarter 2024
<b>Course</b>	BiP April entry (Compulsory)
<b>Subject Name</b>	Legal Research Methodology & Writing (D) (A.L.) for BiP 2024 April entry
<b>Course Title</b>	Legal Research Methodology and Writing III for BiP 2024 April entry
<b>Credit</b>	1
<b>Lecturer</b>	Steven Van Uytsel
<b>e-mail</b>	<a href="#">[Redacted]</a>

### 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

### 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>	Semester-Length, Fall Semester 2024
<b>Course</b>	LL.D. 1st & 2nd year (Compulsory)
<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
<b>e-mail</b>	

### 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

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>	Year-Length, 2024 Fall & 2025 Spring Semester
<b>Course</b>	Only for Risk Society LL.M. (Compulsory)
<b>Subject Name</b>	Legal Research Methodology & Writing (C) (A.L.)(Fall Semester) Legal Research Methodology & Writing (D) (A.L.)(Spring Semester)
<b>Course Title</b>	Research Workshop on Risk Society & the Law
<b>Credit</b>	2 (Fall Semester 1 + Spring Semester 1)
<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** (LRMW I and LRMW II) taught by Prof. Van Uytsel in Fall Semester. These sessions will help students in project design and the preparation of a thesis proposal.
2. An additional 3-4 sessions will be organized in Winter Quarter 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 2025). 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 Summer Quarter. 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>	Semester-Length, Fall Semester 2024
<b>Course</b>	YLP/LL.M/JDS/JLTT/BiP
<b>Subject Name</b>	Law and Development (A)(AL)
<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 narration and interpretation 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 4<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.

[RECOMMENDED BACKGROUND READING]

- Goto-Jones, Christopher, *Modern Japan: A Very Short Introduction*, Oxford University Press, 2009 (e-book accessible through Kyushu University Library website).
- Walker, Brett, *A Concise History of Japan*, Cambridge: Cambridge University Press, 2015.

Assessment

**Class Attendance: 30%**

**Participation: 30%**

**Presentations: 40%**

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

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

**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>	Semester-Length, Fall Semester 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Contemporary Perspectives on Business Law (A) (A.L.)
<b>Course Title</b>	Japanese Business Law in Practice
<b>Class</b>	1&2 Sat., October 5th, 14:50-16:20 and 16:40-18:10 3 Sat., October 19th, 14:50-16:20 4&5 Sat., November 9th, 14:50-16:20 and 16:40-18:10 6&7 Sat., November 16th, 14:50-16:20 and 16:40-18:10 8&9 Sat., November 30th, 14:50-16:20 and 16:40-18:10 10 Sat., December 7th, 14:50-16:20 (Online) 11&12 Sat., December 21st, 14:50-16:20 and 16:40-18:10 13&14 Sat., January 11th, 14:50-16:20 and 16:40-18:10 *This schedule is subject to change.
<b>Room</b>	E-109, 1F East Zone 2 * Obtain approval from the lecturer beforehand or immediately after class for absences and late arrivals. For online attendance, you must also seek approval, except for the class on December 7 <sup>th</sup> , which will be conducted entirely online.
<b>Credit</b>	2
<b>Lecturer</b>	Shinto Teramoto & Kunihiro Kawasaki
<b>e-mail</b>	

<b>Outline</b>
<p>The essential skill for lawyers and law students is not to become a PowerPoint wizard who gives presentations filled with abstract and empty buzzwords, but to communicate effectively with clients, counterparties, and other lawyers by conveying concrete facts. This course, taught by lecturers with extensive experience in legal practice, will not only provide you with a comprehensive overview of Japanese corporate law, fundraising, tax, and bankruptcy, but also help students to obtain fact-based knowledge and the means to communicate it to others..</p> <p>In addition to acquiring these skills, the course anticipates that, through learning the up-to-date Japanese practice of business laws and regulations, students will develop the capability to:</p> <ul style="list-style-type: none"> <li>• Adapt Japanese regulations and practice to their respective home countries, making necessary modifications;</li> <li>• Develop their own legal practices tailored to the social and economic conditions of their respective home countries; and</li> <li>• Play a substantial role in international discussion to establish both de jure and de facto standards for the social implementation of cutting-edge technologies.</li> </ul> <p>* This is a joint course offered to students in the International Course at the Graduate School of Law (LL.M. program), students at the Law School, and students at the Business School (QBS).</p>
<b>Course Website</b>
<p>Access the Kyushu University Moodle at <a href="https://moodle.s.kyushu-u.ac.jp/">https://moodle.s.kyushu-u.ac.jp/</a> and select " Japanese Business Law in Practice 2024, Prof. Shinto TERAMOTO, Prof. Kunihiro KAWASAKI".</p>

## Course Structure

Lecturers with extensive experience in legal practice will deliver lectures on their respective areas of expertise. Students are encouraged to ask questions and make comments at any time during the class.

**Course Plan** (The schedule is subject to change.)

1 "Basic Mechanisms for Corporate Restructuring", by Zentaro NIHEI, esq. (Anderson Mōri & Tomotsune)

2 "Legal Processes for Corporate Restructuring", by Zentaro NIHEI, esq. (Anderson Mōri & Tomotsune)

3 "Legal Frameworks for Financial Institution Insolvency in Japan", by Zentaro NIHEI, esq. (Anderson Mōri & Tomotsune)

4&5 "Law and practice of business organization and fundraising", by Prof. Kunihiro KAWASAKI (Kyushu University)

6 "Law and practice of M&A", by Prof. Kunihiro KAWASAKI (Kyushu University)

7 "Regulations of financial institutions and capital markets in Japan", by Prof. Kunihiro KAWASAKI (Kyushu University)

8&9 "Recent law reforms in Japan", by Prof. Kunihiro KAWASAKI (Kyushu University)

10 "Startup Investment in Japan", by Atsushi MIZUSHIMA, esq. (Nishimura & Asahi)

11 "Fundamentals of Japanese Tax Law", by Hiroyuki YOSHIOKA, esq. (TMI Associates)

12 "International Aspects of Japanese Tax Law", by Hiroyuki YOSHIOKA, esq. (TMI Associates)

13 "Indirect Tax and Taxation in Digital Economy", by Hiroyuki YOSHIOKA, esq. (TMI Associates)

14 "Taxation on M&A and Real Estate Transactions", by Hiroyuki YOSHIOKA, esq. (TMI Associates)

## Reading Materials

Materials will be distributed via the Kyushu University Moodle.

## Assessment

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

English Proficiency

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

\*This course is open for the European Union Studies Diploma Programmes (EU-DPs). See more details here; <http://eu.kyushu-u.ac.jp/>

<b>Term</b>	Intensive, Fall Quarter 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Law and Culture (D) (A.L.)
<b>Course Title</b>	Cultural Heritage Law II
<b>Credit</b>	1
<b>Lecturer</b>	Kamil Zeidler & Ren Yatsunami

## Outline

The aim of the lecture is to present the legal protection of cultural heritage – in public international law, in European law, and in the law of selected countries.

The lecture will be focused on the system of cultural heritage protection, which is based on three pillars: 1) law, 2) economics, and 3) social knowledge and responsibility. Although law is very important, but is not the only factor in human activity called “cultural heritage protection and preservation”. However the course will be finally focused on the legal issue.

In this regard, it should be stressed that in almost all modern states, the system of legal protection of cultural heritage has two main sources: public international law and internal law; sometimes can be distinguished also the third source, like European law (which is quite different from international law) in European Union member states.

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

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

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

## Course Structure

1. Introduction – the system of cultural heritage protection
2. Cultural heritage law terminology: the object of protection and preservation and the problem of definitions – cultural heritage, cultural property, monuments of history, works of art etc.
3. Introduction to international cultural heritage law
4. Cultural heritage law – EU law and constitutional law
5. Cultural heritage law in selected countries
6. Crimes against cultural property: prosecuting and preventing
7. Restitution of cultural property (readings: K. Zeidler, *Restitution of Cultural Property: Hard Case – Theory of Argumentation – Philosophy of Law*, Gdansk University Press-Wolters Kluwer, Gdańsk-Warsaw 2016 – delivered in pdf file)
8. Aesthetics of law: the philosophical approach to cultural heritage law

## Assessment

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

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

### English Proficiency

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

<b>Term</b>	Intensive, Fall Semester 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Law and Economy (A)(A.L.)
<b>Course Title</b>	Japanese Law from the perspective of law and economics
<b>Credit</b>	2
<b>Lecturer</b>	Kunihiro Kawasaki, Shinto Teramoto, Ryu Kojima & Toshiyuki Kono

### Outline

This course will provide introductory law and economics with reference to Japanese law as an example. Law and economics is applicable to any jurisdiction over the world and will be a very useful tool for students in their future practice.

As some students are interested in studying Japanese law in this Law School, this course will use Japanese law as an example to study law and economics. The Japanese laws covered in this course will include corporate law, intellectual property law, bankruptcy law, and tax law.

This course will not use a textbook, but will use PPT slides. The PPT slides will be uploaded to the Moodle page.

*Note:* As the study of Japanese law in this course is limited to a minimum introductory level, students who wish to study Japanese law are strongly recommended to take other classes such as Japanese Business Law in Practice.

## Course Structure

### Class 1: Orientation

### Class 2-4 : Basics of Economics

These classes will provide basics of law and economics applied in this course, such as game theory and information economics. As there are few students who have studied economics, the contents will be limited to introductory level so that those students who have never studied economics can understand.

### Class 5-9 : Economic Analysis of Japanese Corporate Law, IP Law, Insolvency Law, Tax Law, and Private International Law

These classes will provide the basic Japanese corporate law, intellectual property law, bankruptcy law, tax law, and private international law and its analysis from the law and economics viewpoint. The first half of each class will provide a brief overview of relevant Japanese law; the second half will discuss the economic analysis of the law.

### Class 10-13 : Social Network Analysis

Social Network Analysis (SNA), a recent cutting-edge method in law and economics will be provided by Professor Teramoto.

### Class 14-15 : Students' presentation in December

Students are required to provide their analysis of the legal system of their choice from the law and economic perspective. Each student is required to submit (i) presentation slides by 11:00 PM three days prior to the 14th and 15th classes in December, and (ii) give a 10-20 minute presentation (depending on number of presenters) in class based on the slides prepared in (i) above.

It will be precious opportunity for students to know various legal systems around the world and the application of law and economics to these systems through presentations in this course.

A PPT of 5-10 pages is sufficient for (i) and (ii) above. The deadline for submission of presentations slides is 11:00 PM three days prior to the 14th and 15th classes in December. Each presentation is required to include (i) a very brief description of students' home jurisdiction, (ii) an overview of the legal system selected by the student, and (iii) an economic analysis of the legal system selected in (ii). The analysis in (ii) and (iii) above can discuss any legal system, including the one discussed in students' master thesis.

## Assessment

Assessment will be based on (i) the submission of presentation slides (80%) and (ii) student's presentation in the 14th and 15th classes (20%). For details on (i) and (ii), please see Class 14-15 in the Course Structure above.

## 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>	Intensive, Fall Quarter 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<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>	Jing Gu & Mark Fenwick

## Outline

This course provides a comprehensive introduction to the legal and regulatory frameworks governing international financial markets. It is designed for students seeking to understand the complexities of global finance and the laws that regulate cross-border transactions. Throughout the course, we will explore the key players and institutions within financial markets, examine the fundamental principles of international financial transactions, and analyze the legal challenges arising from cross-border financial transactions.

The course begins with an overview of financial markets, participants and the regulatory environment in which market participants operate. We will discuss the roles of central banks, regulatory agencies, and international organizations in shaping the rules and standards that govern financial activities.

Following this introduction, we will delve into the basics of international financial transactions, with a particular focus on how to draft a loan agreement as well as conflict of laws issues that arise in cross-border dealings. The course will cover the principles governing jurisdiction, applicable law, and enforcement in international finance, providing students with the tools to navigate the legal complexities of global financial transactions. Additionally, we will examine cross-border secured transactions and insolvency law, exploring the legal challenges and considerations involved in these critical areas.

A significant portion of the course will be dedicated to understanding the global financial crisis of 2008, its causes, and the subsequent regulatory responses. We will analyze the role of the G20 in shaping global financial regulation and the special bank resolution regimes proposed by the Financial Stability Board (FSB). We will also explore the tools and mechanisms developed by the FSB and the International Organization of Securities Commissions (IOSCO) to resolve regulatory conflicts and address the challenges posed by cross-border financial activities.

Throughout the course, private international law issues will be discussed in depth, particularly in the context of recognizing foreign insolvency proceedings, enforcing cross-border collateral arrangements, and resolving conflicts between national regulatory regimes. By the end of the course, participants will gain a good understanding of the legal frameworks that govern international financial markets and the tools available to manage the risks and challenges of cross-border financial activities.

**This class is suitable for students interested in pursuing a legal career in banking and finance. While knowledge of finance or economics is not required, some understanding of contract law, 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
7. Regulatory conflicts and equivalent/substituted compliance

## **Assessment**

Grading will be based on class participation (30%) and the result of a take home exam (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>	Intensive, Fall Semester 2024
<b>Course</b>	YLP/LL.M./JDS/JLTT/BiP
<b>Subject Name</b>	Law and Governance (A) (A.L.)
<b>Course Title</b>	Japanese Constitutional & Administrative Law
<b>Credit</b>	2
<b>Lecturer</b>	Narufumi Kadomatsu

## Outline

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>

o 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

o 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

## Course Structure

## Assessment

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>	Intensive, Winter Quarter 2024
<b>Course</b>	YLP (Compulsory)
<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 & Steven Van Uytsel

### 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 2024-2025 it is scheduled for two weeks in the beginning of the spring vacation. (i.e. mid.-end. February)

**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.

### 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>	Intensive, Winter Quarter 2024
<b>Course</b>	Compulsory for JLTT & JDS, Elective for YLP/LL.M./BiP
<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

### Outline

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

### Course Structure

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

### Assessment

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

English Proficiency

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

<b>Term</b>	Intensive, 2024 Fall & 2025 Spring Semester
<b>Course</b>	LL.D. (Compulsory)
<b>Subject Name</b>	Comprehensive Research Seminar (A)
<b>Course Title</b>	Comprehensive Research Seminar
<b>Credit</b>	2
<b>Lecturer</b>	Faculty Members of the International Programs in Law

### Outline

All *LL.D.* students are obliged to complete two *Comprehensive Research Seminars (CRS)* per year and to attend the *CRS* of all other *LL.D.* students.

The *CRS* is normally held in January and July. Final dates will be confirmed at a later date.

The primary aims of the *CRS* are twofold. Firstly, to provide staff with the opportunity to ensure that *LL.D.* students are making adequate progress in their doctoral research and have developed a suitable schedule for the remaining year(s). Secondly, to provide *LL.D.* students with a forum for the presentation of work in progress and for the exchange of ideas on the future direction of research.

### Course Structure

The *CRS* will consist of three elements: the submission of a written statement, an oral presentation in front of other *LL.D.* students and faculty members, and a question and answer session.

### Assessment